



PROVINCE OF ONTARIO

The Department of Education Act

The Public Schools Act

The Schools Administration Act

**The Secondary Schools and
Boards of Education Act**

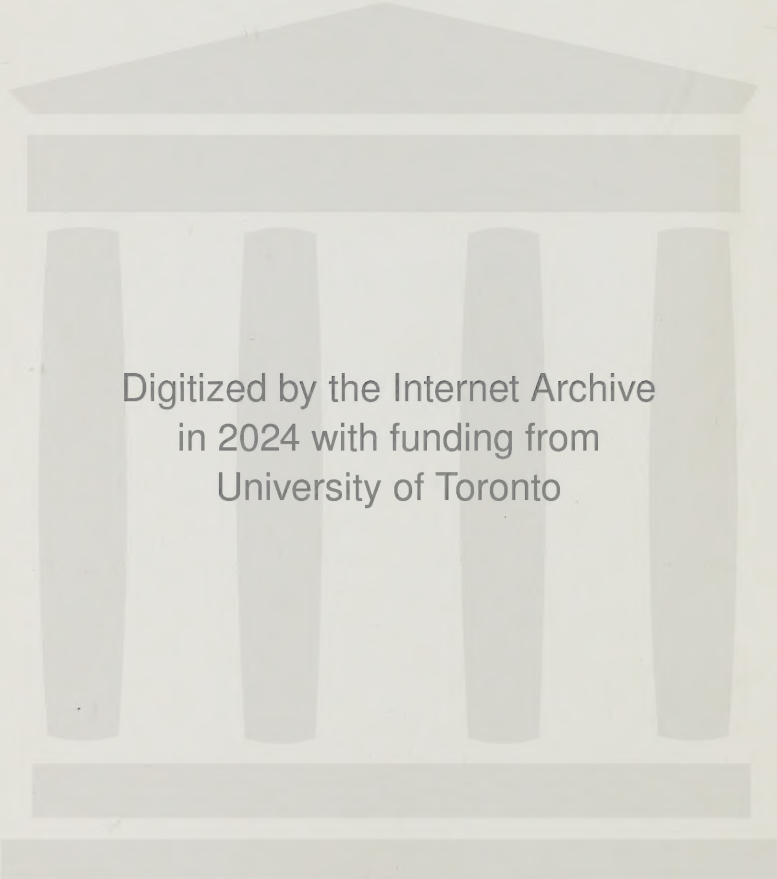
The Separate Schools Act

1962

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OFFICE CONSOLIDATION

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The Department of Education Act

Revised Statutes of Ontario, 1960

CHAPTER 94

as amended by

1961-62, Chapter 31, and 1962-63, Chapter 32

1963

TORONTO

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PARTIAL LIST

of the Acts pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Department of Education Act

Revised Statutes of Ontario, 1960

CHAPTER 94

as amended by

1961-62, Chapter 31, and 1962-63, Chapter 32

Interpre-
tation

1. In this Act,

- (a) "board" means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (ca) "private school" means a school at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any day other than a school holiday for five or more pupils of compulsory school age, whether or not instruction is also provided for pupils of other ages, in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario or by an elementary or secondary school board or a board of education;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 94, s. 1; 1961-62, c. 31, s. 1.

2.—(1) The department of the public service known as the ^{Department continued} Department of Education is continued.

(2) The Minister shall preside over and have charge of the ^{Minister to have charge} Department. R.S.O. 1960, c. 94, s. 2.

3. The Minister is responsible for the administration of this <sup>Administra-
tion</sup> Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. R.S.O. 1960, c. 94, s. 3.

4.—(1) The Minister shall, after the close of the calendar <sup>Annual
report</sup> year, file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 94, s. 4.

Credits
for attend-
ance in
special cases

5. For the purpose of calculating legislative grants, the Minister may add to the actual aggregate attendance of a school the number of days attendance lost by pupils,

- (a) who left school to enlist in Her Majesty's Forces or to become employed in the production of food or other essential war materials, and whose absence from school was in accordance with the regulations; or
- (b) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or
- (c) who were absent from school because of the closing of one or more classrooms because of fire, flood or the breakdown of the school heating plant or a similar emergency which, in the opinion of the Minister, was unavoidable; or
- (d) who were absent from school in the month of June when their regular classroom work was discontinued because of the holding of examinations that they were not required to write. R.S.O. 1960, c. 94, s. 5.

Closing
of school
or class

6.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may order the closing of a school or any class thereof for a specified period.

Calculation
of grants

(2) Where a school or class is closed for a specified period under subsection 1, the school or class shall, for the purpose of calculating legislative grants, the cost of education of county pupils, and the fees, if any, of other pupils, be deemed to have been open during the period with a perfect aggregate daily attendance. R.S.O. 1960, c. 94, s. 6.

7. REPEALED: 1962-63, c. 32, s. 1.

Guarantee of
debentures

8.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by an elementary school board in

Ontario or by a municipality in a territorial district for any school purpose for which the board or municipality is authorized to issue debentures.

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be given under this section is binding upon the Province and is not open to question upon any ground whatsoever.

(3) Any debenture issued by a school board or municipality, payment of which is guaranteed by the Province under this section, is valid and binding upon the school board or municipality by which it is issued and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. R.S.O. 1960, c. 94, s. 8.

9. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any school board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school board, the rate at which interest shall be allowed to, paid by or credited to a school board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1960, c. 94, s. 9.

10.—(1) The Minister shall define the courses of study in the prescribed subjects of Grade 13.

(2) The Minister may,

- (a) recommend for the guidance of boards and teachers the programme in kindergarten;
- (b) define the courses of study, recommend courses of study for the guidance of boards and teachers, or permit boards and teachers to define courses of study to be used with the Minister's approval, in the prescribed subjects for Grades 1 to 12 inclusive;
- (c) define courses of study and subjects to be taught in teachers' colleges and provincial technical and polytechnical institutes;
- (d) recommend reference books and library books for use by pupils, teachers and teachers-in-training;

Idem (e) approve text-books for use in Grade 13, teachers' colleges, and provincial technical and polytechnical institutes;

school terms (f) determine the number of terms and the dates upon which each term begins and ends in respect of teachers' colleges, provincial technical and polytechnical institutes, and schools for the deaf and blind.

Application R.S.O. 1960, c. 349 (3) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. R.S.O. 1960, c. 94, s. 10.

Powers of Minister: 11.—(1) The Minister may,

cost of teachers in training (a) pay out of any appropriation for teachers' colleges or for summer and winter courses for the training and instruction of teachers the travelling and other expenses and such per diem allowance as he may fix for living expenses of students attending such schools whenever he deems such payment necessary or desirable;

accept equivalent qualification (b) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;

temporary certificate (c) grant a temporary or interim certificate of qualification as a teacher to a person who, although not a British subject, is otherwise qualified and,

(i) has applied to become a British subject and whose application is pending, or

(ii) has filed a declaration of intention to become a Canadian citizen in accordance with the *Canadian Citizenship Act*;

R.S.C. 1952, c. 33

letter of permission (d) grant a letter of permission to a board authorizing the board to employ an unqualified person as a

teacher if the Minister is satisfied that no qualified person is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister specifies therein;

- (e) suspend or cancel any certificate or diploma granted ^{suspend or cancel} under this Act or the regulations;
- (f) appoint as a commission one or more persons, as he ^{commission of inquiry} may deem expedient, to inquire into and report upon any school matter, and may confer upon such commission all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*; ^{R.S.O. 1960, c. 323}
- (g) submit a case on any question arising under *The Schools Administration Act, The Public Schools Act, The Separate Schools Act, The Secondary Schools and Boards of Education Act*, or this Act to a judge of the Supreme Court for his opinion and decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision; ^{secure legal opinion, R.S.O. 1960, cc. 361, 380, 368, 362}
- (h) determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer; ^{determine disputes and complaints}
- (i) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit, ^{apportion federal grants}
- (j) require employees of school boards to submit to medical examinations; ^{medical examinations}
- (k) make use of any elementary or secondary school for the purposes of observation and practice teaching by teachers-in-training in any teachers' college or in the college of education established under section 16; ^{practice teaching}
- (l) provide for courses of training for inspectors. ^{inspectors, training}

Termination
of contract
where wel-
fare of
school
involved
R.S.O. 1960,
c. 361

(2) Notwithstanding Part III of *The Schools Administration Act* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. R.S.O. 1960, c. 94, s. 11.

Regulations

R.S.O. 1960,
cc. 330, 368,
361, 362

12.—(1) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to schools or classes established under *The Public Schools Act*, *The Separate Schools Act*, *The Schools Administration Act*, *The Secondary Schools and Boards of Education Act*, or this Act, or any predecessor of any of such Acts, and with respect to all other schools supported in whole or in part by public money,

general

- 1. for the establishment, organization, administration and government thereof;

admit pupils

- 2. governing the admission of pupils;

auxiliary
pupils

- 3. respecting the examination and inspection of auxiliary classes, the dismissal of pupils therefrom, and the term of residence of pupils therein;

purchase
books

- 4. requiring boards to purchase books for the use of pupils;

accommoda-
tion and
equipment

- 5. prescribing the accommodation and equipment of buildings and the arrangement of premises;

bursaries

- 6. for the establishment and awarding of bursaries and types, classes and subclasses thereof, prescribing the terms and conditions thereof and the persons

eligible therefor, for fixing the value or maximum value of any bursary or type, class or subclass thereof, and for authorizing the Minister to determine, subject to the maximum value, the amount to be awarded to an applicant where a maximum value has been prescribed;

7. for the establishment of the Provincial Student-Aid ^{Student-Aid} Loan Fund to be maintained by donations received for that purpose and by moneys appropriated by the Legislature for that purpose, for prescribing the terms and conditions of the loans and the persons eligible therefor, for defining the types, classes and subclasses of loans, for fixing the maximum loans and terms of repayment, for authorizing the Minister to determine the amount to be loaned to an applicant not exceeding the maximum provided in the regulations, and for providing the method of repayment of loans;
8. for the establishment and regulation of cadet corps; ^{cadet corps}
9. governing the granting of permanent, temporary, ^{certificates} interim, special and other certificates of qualification;
10. authorizing the Minister to designate a high school as a collegiate institute and to redesignate a collegiate ^{collegiate} institute as a high school, and prescribing the conditions under which he may do so;
11. prescribing the form of contract that shall be used ^{teacher's} for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;
12. governing the establishment and maintenance of ^{schools on} public, high and vocational schools on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools;

pupils on
Crown
lands

13. governing the attendance at elementary and secondary schools of pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and governing the payment of the cost of education of such pupils;

transporta-
tion of
pupils on
Crown
lands

14. providing for assistance in the payment of the cost of education and transportation costs of elementary and secondary school pupils residing in the territorial districts or on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes;

tuition fees
on Crown
lands

15. fixing the method of calculating the cost of education of elementary and secondary school pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and authorizing boards,

- (i) to charge those pupils a fee in accordance with that method, or

- (ii) instead of charging those pupils a fee, to enter into an agreement with the Crown, Crown agency or other owner of the lands for the payment of an amount in lieu of the fee;

examination
boards

16. providing for the establishment of supervising examination boards and for the appointment by the Minister of the members thereof, prescribing the duties thereof and the remuneration, including allowances for travelling and other expenses, to be paid to the members thereof;

examinations

17. governing the establishment and conduct of examinations and the settling of the results thereof, and prescribing the fees to be paid by candidates thereat;

fees of
examiners

18. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;

19. for granting diplomas and certificates of standing; certificates
20. prescribing the subjects that shall be taught, and the subjects that may be taught, in Grades 1 to 13 inclusive; subjects of study
21. prescribing subjects leading to diplomas and certificates of standing; subjects for diploma
22. providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions; exchange teachers
23. for the establishment and regulation of school gardens; school gardens
24. for the establishment and regulation of school libraries; school libraries
25. subject to the approval of the Minister of Health, for the medical and dental inspection of pupils in elementary schools where provision for such inspection was inaugurated by the boards of such schools before the 31st day of July, 1924, and in secondary schools where such provision was inaugurated by the boards of such schools before the 31st day of December, 1941; medical and dental inspection
26. respecting the use of schools for purposes of observation and practice teaching by teachers-in-training; practice teaching
27. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, supervisory officers, heads of departments, principals, inspectors, superintendents, bursars, matrons, directors, school attendance officers and other officials; powers and duties of teachers, etc.
28. prescribing the duties of pupils; pupils
29. prescribing the qualifications and experience that will be recognized for the purpose of, qualification to teach, attend school, write exams
 - (i) qualifying persons to teach,
 - (ii) admitting persons to schools, and
 - (iii) permitting persons to write examinations;

retarded
children

30. providing for assistance in the payment of the cost of education of children under eighteen years of age, whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, in classes conducted by parents' groups that are affiliated with the Ontario Association for Retarded Children;

attendance
officers

31. prescribing the powers and duties of boards and township councils with respect to the appointment and duties of school attendance officers, providing for the issuing of home permits and employment certificates, and providing for the giving of notices and the making of returns in connection with school attendance;

forms

32. prescribing forms and providing for their use;

approve
texts

33. approving the text-books for use in Grades 1 to 12 inclusive;

transporta-
tion

34. governing the transportation of pupils to and from elementary and secondary schools;

idem

35. providing for assistance in the payment of transportation costs of persons residing in the territorial districts who are attending universities or other institutions of higher learning;

scholarships

36. establishing the number of scholarships and prescribing the terms and conditions under which they may be awarded and the courses of study to be pursued, in connection with the scholarships provided for under section 7;

mis-
cellaneous

37. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Student-Aid
Loan
contracts

- (2) Every contract executed by a person under twenty-one years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract.

(3) Subject to the provisions of any statute in that behalf ^{Regulations, grants} and to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for educational purposes;
- (b) prescribing the conditions governing the payment of legislative grants;
- (c) prescribing definitions of "approved cost" and "cost of operating" for the purpose of legislative grants to boards, and requiring that "approved cost" be subject to the approval of the Minister.

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to ^{Regulations, community programmes, etc.} adult education, recreation, camping and physical education,

- (a) providing for programmes therefor;
- (b) governing the granting of municipal recreation directors' interim and permanent certificates, and governing the renewal of municipal recreation directors' interim certificates;
- (c) authorizing,
 - (i) municipal councils to appoint recreation committees with the approval of the Minister, or authorizing two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation committees with the approval of the Minister,
 - (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
 - (iii) joint recreation committees, or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors, and

- (iv) two or more municipalities to enter into agreements,

for the purpose of programmes of recreation;

- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programmes of recreation;
- (e) prescribing definitions of joint recreation programme, joint recreation committee, municipal recreation programme, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation programme, recreation committee;
- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programmes of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister;
- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
 - (i) programmes of adult education, recreation, camping and physical education,
 - (ii) leadership training camps, and
 - (iii) the maintenance of historical, literary and scientific institutions;
- (h) prescribing the conditions governing the payment of grants for,
 - (i) programmes of adult education,
 - (ii) programmes of recreation, camping or physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (i) authorizing the Minister to determine the number of assistants and area community programmes in respect of which grants may be paid for programmes of recreation;

- (j) authorizing the payment, with the approval of the Minister, of special grants for programmes of recreation, and fixing the amounts thereof.

(5) In subsection 4, "physical education" includes recreation for crippled persons under the age of nineteen years. Interpretation
R.S.O. 1960, c. 94, s. 12.

13.—(1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada represented by the Minister of Labour of Canada respecting technical and vocational training and represented by the Minister of National Health and Welfare of Canada respecting physical fitness. 1962-63, c. 32, s. 2. Technical and vocational agreements, etc.

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act. Pupils at Indian schools
R.S.C. 1952 c. 149

(3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. R.S.O. 1960, c. 94, s. 13 (2, 3). Bursaries and scholarships

14.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern schools for technical training in one or more branches of industry. Establishment of technical institutes

(2) For the purpose of subsection 1, the Minister may enter into an agreement with any organization representing one or more branches of industry. Agreements

(3) A school providing instruction in one branch of industry shall be known as a provincial technical institute and in more than one branch of industry as a provincial polytechnical institute. Naming of institutes

(4) The Minister shall be assisted in the conduct of a provincial technical institute by an institute board and the institute board shall be assisted by an advisory committee. Conduct of technical institutes;

(5) The Minister shall be assisted in the conduct of a provincial polytechnical institute by an institute board and the institute board shall be assisted by an advisory committee. polytechnical institutes

for each branch of industry in which training is given at the institute.

Cost of
establish-
ment and
maintenance

(6) The cost of the establishment, maintenance and conduct of a provincial technical or polytechnical institute shall be payable out of moneys appropriated by the Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization that has entered into an agreement under subsection 2.

Regulations
for
institutes

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to such institutes,

- (a) providing for the composition of institute boards and advisory committees, and for the appointment by the Minister of the members thereof;
- (b) prescribing the duties and powers of institute boards and advisory committees;
- (c) respecting the holding of meetings of institute boards and advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;
- (d) for the election or appointment of chairmen and secretaries of institute boards or advisory committees, and prescribing their duties;
- (e) for the establishment, with the approval of the Minister, of full-time day courses of study, special and part-time day courses of study, and evening courses of study;
- (f) requiring pupils to pay registration, tuition and laboratory fees and fixing the amount and manner of payment thereof;
- (g) classifying persons who may be admitted from outside Ontario and prescribing the fees payable by members of each class and the manner of payment thereof;
- (h) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees, and authorizing boards to fix the amount and manner of payment thereof.

(8) The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute, Alternative admission requirements

(a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or

(b) evidence, satisfactory to the principal and advisory committee, that the applicant for admission is competent to undertake the course of study. R.S.O. 1960, c. 94, s. 14.

15.—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is hereby continued under the administration of the Minister. Continuation of School for Deaf;

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is hereby continued under the administration of the Minister. School for Blind

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school. Additional schools

(4) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to the said schools, Regulations for School for the Deaf or Blind

(a) prescribing the terms and conditions upon which pupils may,

(i) be admitted to, and remain in, a school, and

(ii) be discharged from a school;

(b) authorizing the Minister to appoint a committee to hear and determine any question concerning the eligibility for admission of an applicant;

(c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;

- (d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;
- (e) prescribing the manner in which pupils shall dress while attending a school;
- (f) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;
- (g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;
- (h) authorizing a superintendent to dismiss a pupil at any time for,
 - (i) misconduct or failure to make satisfactory progress in a school, or
 - (ii) serious or continued ill-health as certified by the duly qualified medical practitioner of the school;
- (i) authorizing the Minister to provide training for teachers in courses leading to a Certificate as Teacher of the Deaf or a Certificate as Teacher of the Blind.

Expenses

(5) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. R.S.O. 1960, c. 94, s. 15.

College of education

16.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

- (a) establish, maintain and conduct a college of education for the professional training and instruction of teachers; or
- (b) enter into an agreement with a university providing for the establishment, maintenance and conduct of such college of education by the university, upon such terms and conditions as the Minister and the university may agree upon,

and may enter into arrangements for the use of any elementary or secondary school for practice teaching purposes or for the

services of teachers in any secondary school as lecturers or instructors in the college.

(2) The cost of the establishment, maintenance and conduct of the college of education shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1960, c. 94, s. 16. Expenses

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may, Teachers' colleges etc.

(a) establish, maintain and conduct teachers' colleges and summer and winter courses for the training and instruction of teachers; and

(b) enter into an agreement with any university or college providing for the establishment, maintenance and conduct of a teachers' college by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

(2) The cost of the establishment, maintenance and conduct of teachers' colleges and summer and winter courses shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. R.S.O. 1960, c. 94, s. 17. Expenses

18.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership training camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1960, c. 94, s. 18. Expenses

19.—(1) No private school shall be operated in Ontario after the 1st day of September, 1962, unless it is registered in accordance with this section. Registration of private schools

(2) Every private school shall be registered with the Department on or before the 1st day of September in the year 1962 and on or before the 1st day of September in each year thereafter. Time for registration

(3) Application for registration shall be in such form and with such particulars as the Minister may require. Application

(4) Where a private school is operated in contravention of subsection 1, Offence to operate private school without registration

- (a) all persons concerned in the management of such school are severally guilty of an offence and on summary conviction are liable; or
- (b) where the school is operated by a corporation, the corporation is guilty of an offence and on summary conviction is liable,

to a fine of not more than \$25 for every day such school is operated in contravention of subsection 1.

Return

(5) The principal, headmaster or person in charge of a private school shall make a return to the Department furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Inspection
of school

(6) The Minister may direct one or more school inspectors to inspect a private school, in which case each such inspector may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Inspection
on request

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the qualifications of the teachers and the standard of instruction in the subjects of grades 11 and 12 of the course or courses leading to the secondary school graduation diploma and may determine and levy a fee for this service.

Offence
for false
statement

(8) Every person who knowingly makes a false statement in an application for registration or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1961-62, c. 31, s. 2.

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The Public Schools Act

Revised Statutes of Ontario, 1960

CHAPTER 330

as amended by

1960-61, Chapter 82; 1961-62, Chapter 120;
and 1962-63, Chapter 117

1963

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Public Schools Act

R.S.O. 1960, CHAPTER 330

as amended by

1960-61, Chapter 82; 1961-62, Chapter 120;
and 1962-63, Chapter 117

1. In this Act,

Interpre-
tation

- (a) "board" means a board of public school trustees;
- (b) "elector" in a municipality means a person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in territory without municipal organization means a person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school;
- (c) "ratepayer" means a person entered on the last revised assessment roll as a public school supporter for the school section or municipality. R.S.O. 1960, c. 330, s. 1.

2. The regulations, though not specially referred to, apply to any matter or thing contained in this Act, so far as they are consistent with this Act. R.S.O. 1960, c. 330, s. 2.

3. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes applies to the supporters of Roman Catholic separate schools, except that all taxable property continues to be liable to taxation for the purpose of paying any liability incurred for public school purposes while the property was subject to taxation for such purposes. R.S.O. 1960, c. 330, s. 3.

4. Until altered under the authority of this Act, all public school sections continue as they now exist, and all trustees duly elected and all officers duly appointed continue in office, and all agreements, contracts, assessments and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect continue subject to the provisions of this Act. R.S.O. 1960, c. 330, s. 4.

5.—(1) Subject to section 6, a person who has attained the age of five years on or before the 31st day of December in any year has the right to attend, after the 1st day of September

Right
to attend
public
school

ber of the following year, a public school in the school section in which he and his parent or guardian reside or a public school in another section for which the board has made provision under section 6 unless,

- (a) his parent or guardian is a separate school supporter; or
- (b) he is unable by reason of mental or physical defect to profit by instruction; or
- (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
- (d) he has attained the age of twenty-one years.

Determina-
tion as to
whether or
not person
can profit
by
instruction

(2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence as
to right to
attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the school, including proof of age.

Kinder-
garten

(4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kindergarten

(5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kinder-
garten fees

(6) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1. R.S.O. 1960, c. 330, s. 5.

Beginners
class

(7) The board may provide a class or classes for children to enter school for the first time in the second term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class. 1962-63, c. 117, s. 1.

Rights
of
admission:
gross cost

6.—(1) In this section,

- (a) “gross cost per pupil per day” shall be determined by dividing the cost of operation of day schools of

the board for the preceding year by the actual aggregate attendance for that year;

- (b) "net cost per pupil per day" shall be determined by ^{net cost} subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purpose of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid. R.S.O. 1960, c. 330, s. 6 (1); 1960-61, c. 82, s. 1.

(2) Subject to section 5, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee. ^{Resident pupil, admission to school}

(3) Subject to section 5, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee. ^{Admission where public school supporter moves into residence assessed to separate school support}

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector,

^{Admission of resident pupil to another school by reason of distance to school}
R.S.O. 1960, c. 361

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public

schools up to but not exceeding the amount of fees paid for the current year.

Resident pupil's right to attend more accessible neighbouring school

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and a public school in a neighbouring school section is more accessible to the residence than the school that he is required to attend, as certified by the inspector of the school section in which the child resides, and the inspector for the neighbouring school certifies that there is sufficient accommodation for such non-resident pupil for the current school year, the child shall be admitted to the school for that school year upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

Admission of non-resident pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 9, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission of child whose mother is sole supporter, etc.

(7) Subject to section 5, a child whose mother,

- (a) resides in Ontario;
- (b) is the sole support of the child;
- (c) is not assessed as a supporter of a public or separate school in any school section; and
- (d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,

R.S.O. 1960, c. 54

shall be admitted to a public school in the section in which he resides without the payment of a fee.

Admission of ward of children's aid society

(8) A child who is a ward of a children's aid society shall be admitted to a school by the board of the school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward and no fee shall be charged by the board.

Idem

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under

the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

(10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

Admission
of non-
resident
pupil, where
parent
assessed
in section

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

(11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

Resident
on land
exempt from
taxation

(12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year. R.S.O. 1960, c. 330, s. 6 (2-12).

Agreement
between
boards

(13) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee. 1962-63, c. 117, s. 2.

Admission
without fee

7.—(1) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian.

Religious
exercises

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1960, c. 330, s. 7.

Religious
instruction

Public
school
visitors

8.—(1) Judges, members of the Assembly, and members of municipal councils, are school visitors in the municipalities where they respectively reside, and every clergyman is a school visitor in the municipality where he has pastoral charge.

Powers of
school
visitors

(2) School visitors may visit public schools, may attend any school exercises, and at the time of a visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. R.S.O. 1960, c. 330, s. 8.

School lands
granted be-
fore 1850
vested in
trustees for
school
purposes

9.—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which the lands are respectively situate, continue to be vested in such trustees, and continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are now respectively held.

Disposal of
school lands
by boards

(2) Notwithstanding subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval. R.S.O. 1960, c. 330, s. 9.

Selection
and change-
of school
site by
rural board

10.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or to change the site of an existing schoolhouse, or where a petition in that behalf is presented by 25 per cent of the rate-payers of the school section, the board shall select a school site and shall thereupon call a special meeting of the rate-payers to consider the site selected by the board, whether it be the present site or a new site, and, if a majority of the ratepayers present at the meeting by resolution approve of it, the site shall be adopted by the board and no site shall be adopted by the board until so approved, except as provided in subsections 2, 3 and 4.

Arbitration
when trus-
tees and
ratepayers
differ as
to site

(2) In case a majority of the ratepayers present at the special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to

act, any person appointed by him to act on his behalf shall be a third arbitrator, and the three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries thereof or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose.

(3) With the consent or at the request of the parties to the reference, the arbitrators, or a majority of them, have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof, but, if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this section, the inspector, with the arbitrator appointed, shall meet and determine the matter, and the inspector, in case of such refusal or neglect, has a second or casting vote if he and the arbitrator appointed do not agree.

(5) Where the area of a rural school site is less than two acres, the board may without reference to a meeting of the ratepayers enlarge the site to not more than two acres.

(6) This section does not apply to a school site in a township school area. R.S.O. 1960, c. 330, s. 10.

11.—(1) Where not already so subdivided, the municipal council of every township shall subdivide the township into school sections so that every part of the township is included in some section, and shall distinguish each section by a number.

(2) Where the land or property of any person is situate within the limits of two or more sections, the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate. R.S.O. 1960, c. 330, s. 11 (1, 2).

(3) Subject to subsection 3a, no school section in a township shall contain less than 2,500 acres.

(3a) A school section may be formed in any year containing not less than 1,000 acres or consisting of an island or islands,

- (a) where bodies of water or other physical features would make parts of the proposed school section inconvenient for school purposes; or
- (b) where the proposed section contains forty or more children recorded by the assessor in the census taken by him in the preceding year who are five years of age and up to and including fifteen years of age residing with their parents or guardians in the proposed school section. 1960-61, c. 82, s. 2 (1).

Township
clerk to
prepare
maps of
school
sections

(4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk, for the use of the county council, one to the public school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector, on request, information in writing of the acreage, the assessed value, the rate for school purposes and the number of children who are five years of age and up to and including fifteen years of age resident in each section or part of a union section within the township. R.S.O. 1960, c. 330, s. 11 (4); 1960-61, c. 82, s. 2 (2).

Parts of
section to
be adjoining

(5) All parts of a school section, except a township school area, shall be adjoining. R.S.O. 1960, c. 330, s. 11 (5).

Public school
on Crown
lands

12.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper.

Powers of
board

(2) The board so appointed is a body corporate by the name indicated in the order establishing the rural school section and has all the authority of a board of public school trustees for the purposes of this Act. R.S.O. 1960, c. 330, s. 12.

By-laws for
alteration
of single
school
sections

13. The council of a township may pass a by-law,

- (a) to unite two or more school sections in the same township into one section;
- (b) to alter the boundaries of a school section within the township, to divide an existing school section into two or more sections, to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, provided that all

of the public school boards to be affected by the proposed by-law have been given notice thereof. R.S.O. 1960, c. 330, s. 13.

14. Where in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required, or where part of a school section has been added to a city or town, the council of the municipality in which the section or the remaining portion of the section is situate may pass a by-law for the readjustment of the boundaries of the school section or remaining part of the school section notwithstanding the passing of a by-law or the publication of an award within five years affecting the limits of the section or part of the section or adjoining sections. R.S.O. 1960, c. 330, s. 14.

When part of section is added to city or town

15.—(1) The council of a county, at the request of a majority of the councils of the townships in the county for a readjustment of the boundaries of the school sections in the county, shall appoint arbitrators as provided by section 48.

Readjustment of boundaries of school sections in counties

(2) The council of a county may in like manner appoint arbitrators at the request of the council of any township in the county to readjust the boundaries of the school sections in the township.

Readjustment of boundaries of school sections in townships

(3) The arbitrators shall take action and make their award and the same may be put into effect notwithstanding that any time limit in connection with the operation of a previous award or change of boundaries has not expired. R.S.O. 1960, c. 330, s. 15.

Time limit not to prevail

16. Every urban municipality is a school section unless it forms part of a township school area or union school section. R.S.O. 1960, c. 330, s. 16.

Urban municipality to be school section

17.—(1) A by-law of a municipal council for the establishment or alteration of a school section shall be passed before the 1st day of July in any year and, subject to subsection 2, shall become effective on the 1st day of January of the following year except that for the purposes of the election of trustees it shall be effective on the day of nomination for trustees for the school section. R.S.O. 1960, c. 330, s. 17 (1).

By-laws establishing or altering school section, effective dates

(2) A by-law of a municipal council to establish a school section or to alter the boundaries of a school section shall not come into force until it has been approved by the Minister. R.S.O. 1960, c. 330, s. 17 (2); 1961-62, c. 120, s. 1.

Approval of Minister

Clerk to
send copies
to board, to
inspector and
the Minister

(3) The township clerk shall send a copy of the by-law immediately after the passing thereof to the secretary of the board of every school section affected thereby, to the inspector and to the Minister. R.S.O. 1960, c. 330, s. 17 (3).

Rural school
trustees to be
corporation

18.—(1) The public school trustees of a rural school section that is not a township area are a corporation by the name of "The Public School Board of School Section No.of the Township of....." (*inserting the number of the school section and the name of the township*).

Trustees,
term of
office

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

Qualifications
to be elected
trustee

- (3) A person is qualified to be elected as a trustee who,
- (a) is a Canadian citizen;
 - (b) is of the full age of twenty-one years;
 - (c) is a resident in the school section; and
 - (d) is a ratepayer in the school section.

Disqualifi-
cations

- (4) A person is not qualified to be elected as a trustee,
- (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or local board, as the case may be;
 - (b) who is the clerk or treasurer of a municipality in which all or part of the school section is situate;
 - (c) who is the husband or wife of a trustee;
 - (d) who is otherwise disqualified under this or any other Act; or
 - (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and

the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

(5) A person is qualified to act as a trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 3 and does not become disqualified under clauses *a* to *d* of subsection 4. Qualification to act as trustee

(6) The following persons shall be deemed ratepayers under clause *d* of subsection 3: Persons deemed ratepayers

- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;
- (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
- (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.

(7) For the purposes of subsection 6, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. 1961-62, c. 120, s. 2. Interpretation

19.—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year. R.S.O. 1960, c. 330, s. 19 (1). Elections in new rural school sections

(2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. 1962-63, c. 117, s. 3. Determination where equal number of votes

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. R.S.O. 1960, c. 330, s. 19 (3). When first year to be deemed to commence and end

20. A school corporation does not cease to exist by reason of the want of trustees, but, if there are no trustees, any two electors of the section, or the inspector, by giving six days Corporation not to cease by want of trustees

notice, to be posted up in at least three of the most public places of the section, may call a meeting of the electors, who shall elect three trustees in the manner prescribed by this Act. R.S.O. 1960, c. 330, s. 20.

Annual
meeting,
in rural
school
sections,
when held

21.—(1) A meeting of the electors of every rural school section except a township school area for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the section. R.S.O. 1960, c. 330, s. 21 (1); 1961-62, c. 120, s. 3.

Idem

(2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Proceed-
ings on
formation
of new
school
section

(3) Where a new section is formed, the clerk shall fix the place for the first meeting and shall call the meeting for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

Time and
conduct of
meeting

(4) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Procedure
after elec-
tion of
trustees in
new section

(5) At any time after the election of trustees in a new school section, proceedings may be taken under this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

Meeting to
be called in
default of
first or
annual
meeting

(6) When any school meeting has not been held on the proper date, the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the school section, and the meeting so called has

all the powers and shall perform all the duties of the meeting in the place of which it is called.

(7) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act. Organization of meeting

(8) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting. Chairman, duties of

(9) The business of every school meeting may be conducted in the following order: Order of business

1. Receiving and disposing of the annual report of the trustees.
2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

(10) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or, in the absence of such resolution, at the school-house of the section. R.S.O. 1960, c. 330, s. 21 (2-10). Special meeting, when to be held

22.—(1) Every person who is a ratepayer in a rural school section, and every other person who is qualified to vote at municipal elections and who resides in the rural section and is not a supporter of separate schools, is entitled to vote at an election of trustees in the section and on every question submitted to a school meeting except a question involving expenditure of money on capital account. Qualification of voters

(2) On a question involving the expenditure of money for a permanent improvement, only such persons as are qualified Capital expenditure

R.S.O. 1960,
c. 249

to vote on money by-laws under *The Municipal Act* and are public school supporters are entitled to vote in the school section.

Persons
not British
subjects
excluded

(3) A person who is not a British subject or who is a citizen or subject of any foreign country is not entitled to vote at an election of school trustees in a rural school section or upon any school question. R.S.O. 1960, c. 330, s. 22.

Granting
poll in rural
school
section

23.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Entry in
poll book

(2) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Form of
ballot
paper

(3) Ballot papers shall be pieces of plain white paper of uniform size.

Marking
of ballot
paper

(4) A voter shall mark his ballot,

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

Manner of
voting

(5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

Appoint-
ment of
scrutineer

(6) Every candidate may appoint a person to act as his scrutineer during the election.

Right to
vote
objected to

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll or on the voters' list, shall require the person, where he votes as a ratepayer, to make the following declaration:

1. I, A.B., declare and affirm that I am an assessed ratepayer in school section No.;
2. That I am of the full age of twenty-one years;
3. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
4. That I am a supporter of the public school in said school section No.;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

or shall require the person, where he votes as an elector, who is not a ratepayer, to make the following declaration:

6. I, A.B., declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;
7. That I am of the full age of twenty-one years;
8. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
9. That I am not a supporter of any separate school;
10. That I have been a resident of school section No.....for the six months last past;
11. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote.

(8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon. When poll shall close

(9) When the meeting is held in the evening, the electors may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded. R.S.O. 1960, c. 330, s. 23 (1-9). Polling at evening meeting

(10) When a poll is closed, the secretary shall count the votes and, Counting votes, determination in case of tie

- (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
- (b) in the case of a tie vote on a question, the vote shall be deemed to be negative. 1962-63, c. 117, s. 4.

Declaration
of result

(11) In the case of an election of trustees, the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the question adopted or negatived as the majority of votes is in favour of or against the question.

Copy of
minutes and
of poll book
for in-
spector

(12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

Statement
of result
of poll

(13) A statement of the result of the vote shall be certified by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered or mailed to each candidate.

Acceptance
of office
of trustee

(14) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.

Complaints
as to
elections

(15) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it is not incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.

Clerk to
supply list
of school
voters

(16) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee or the proceedings of a school meeting. R.S.O. 1960, c. 330, s. 23 (11-16).

Duties of
secretary of
rural school
section:

24.—(1) It is the duty of the secretary of a rural school section, except a township school area,

calling
special
meetings

(a) to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held,

and to state the objects of the meeting in the notice calling the meeting;

- (b) to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes; names and addresses of trustees and teachers to be given to township clerk
- (c) to give the notice required by this Act of each annual meeting of the ratepayers of the section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the section at least six clear days before the time of holding the meeting; and notice of annual meeting and meetings to fill vacancies in board, etc.
- (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending to be signed by the trustees and by either or both of the auditors of the section containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations. R.S.O. 1960, c. 330, s. 24 (1); 1961-62, c. 120, s. 4. report at annual meeting

(2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors. R.S.O. 1960, c. 330, s. 24 (2). Compensation of secretary who is also trustee

25.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts and, when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December. Local auditors of rural schools R.S.O. 1960, c. 249

(2) Where an auditor refuses or is unable to act or dies, another may be elected or appointed in his place. Filling vacancies

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and author- Appointment by inspector

ized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Trustees and secretary-treasurer to lay accounts, etc., before auditors

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require.

Time of audit

(5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Duties of auditors

(6) It is the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

Differences between auditors

(7) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector.

Report of objections

(8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting, and shall submit it to the Minister, whose decision is final.

Powers of auditors

(9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses.

May complete audit after time prescribed

(10) An auditor who has entered upon an audit may complete the same although he has not done so within the time prescribed by this Act. R.S.O. 1960, c. 330, s. 25.

Consent of majority of ratepayers to action to set aside award

26. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section, that is not a township school area that includes part or all of an organized municipality, without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. R.S.O. 1960, c. 330, s. 26.

Urban school board, corporation

27.—(1) Every board in urban municipalities is a corporation by the name of "The.....Public School

Board", prefixing to the words "Public School Board" the name of the municipality for which the board is elected. R.S.O. 1960, c. 330, s. 27 (1).

(2) A person is qualified to be elected as a trustee and to sit and vote as a member of a school board in an urban municipality who, Qualifications of trustees

- (a) subject to clause *b*, has the same qualifications as a rural school trustee under subsections 3 to 6 of section 18, which subsections apply *mutatis mutandis*; and
- (b) is a ratepayer in the urban municipality and is resident in or within one mile of the urban municipality. 1961-62, c. 120, s. 5.

28. Where an urban municipality becomes incorporated, the board having jurisdiction over the school property within the urban municipality before such incorporation shall, for the purposes of the public schools in the urban municipality, exercise all the powers and perform all the duties of a board of an urban municipality until a board is organized in such urban municipality. R.S.O. 1960, c. 330, s. 28. First election of trustees

(NOTE.—*As to elections in a union school section, including an urban municipality and a portion of a township, see section 53.*)

29.—(1) Except as provided in section 30, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. Election of trustees in urban municipality not divided into wards, by general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held as follows, where the population was, Number of trustees on board

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees. R.S.O. 1960, c. 330, s. 29 (1, 2).

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. 1960-61, c. 82, s. 3. Change in number of trustees

Urban
municipality
divided into
wards

30.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or
more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from
election by
wards to
general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 29. 1961-62, c. 120, s. 6.

Method of
changing
composition
and
election
of board

31.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 30 to that provided in any other subsection in that section provided that,

- (a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or
- (b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where
change
involves
township
area
board or
board of
education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1. R.S.O. 1960, c. 330, s. 31 (1, 2).

Election
of new
board after
change

(3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. 1960-61, c. 82, s. 4.

Limitations
on changing
method of
election

(4) A change in the method of election may not be made under this section unless,

- (a) the board has been elected in its present form for a period of four years; or
- (b) a board of education is being established or a public school board is being established following the dissolution of a board of education. R.S.O. 1960, c. 330, s. 31 (4).

32.—(1) At the first election of the trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the clerk of the municipality shall determine the order of retirement by lot. R.S.O. 1960, c. 330, s. 32.

(2) Every trustee of a school board of an urban municipality shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. 1961-62, c. 120, s. 7. Trustee in office until organization of new board
R.S.O. 1960 c. 361

33. Every person named in the last revised voters' list as being entitled to vote at municipal elections is entitled to vote at the election of school trustees in urban municipalities, excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. R.S.O. 1960, c. 330, s. 33. Urban school elections, who may vote

34.—(1) The board of an urban municipality shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, *mutatis mutandis* apply to the election. Election by ballot
R.S.O. 1960, c. 249

(2) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the Ballots

same form *mutatis mutandis* as those used for aldermen or councillors, and a ballot shall be delivered only to a person who is a supporter of the public schools under the jurisdiction of the board to which the candidate is seeking election.

Idem

(3) In no case shall a ballot be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. R.S.O. 1960, c. 330, s. 34.

Vacancies
in rural
board

35.—(1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Vacancies
in urban and
township
area boards

(2) Subject to subsection 4, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Idem

(3) Subject to subsection 4, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in case of a tie the clerk of the municipality shall determine the order of retirement by lot.

Idem

(4) In the case of an urban school board or a township school area board,

- (a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 2 or 3, but the office shall remain vacant until the election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term does not then expire some duly qualified person shall be elected at

the election to fill the vacancy for the remainder of the term;

- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 2 or 3, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the clerk of the municipality shall determine the order of retirement by lot.

(5) Where the inspector reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed have all the authority of a board as though they were eligible and duly elected according to this Act. R.S.O. 1960, c. 330, s. 35.

Appointment of trustees on failure of qualified persons

36.—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

Resignation of trustee of rural board

(2) Where, after the resignation of a rural school trustee, he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the remainder of the term for which he was elected.

Trustee continuing to act after resignation

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

Resignation of trustee of urban board

(4) A retiring trustee is exempted from serving for four years next after leaving office, but he may, with his own consent, be re-elected. R.S.O. 1960, c. 330, s. 36.

Re-election of trustee

37.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls,

Controverted elections, investigation of complaints by judge

poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he deems expedient to appear before him and give evidence.

Powers of
judge

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and if the judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board.

Application
of R.S.O.
1960, c. 249,
s. 142

(3) Section 142 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a township school area board has been established and to any proceeding relating to such election. R.S.O. 1960, c. 330, s. 37.

Bribery
and undue
influence
R.S.O. 1960,
c. 249

38. In the case of an election of trustees in an urban municipality or in a township for which a township school area board has been established, the provisions of *The Municipal Act* as to bribery and undue influence apply, and, in every case in which an election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1960, c. 330, s. 38.

39. REPEALED: 1961-62, c. 120, s. 8.

TOWNSHIP SCHOOL AREAS

Township
school areas,
by-law
setting
apart

40.—(1) The council of a township may by by-law, passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area, and, when the by-law becomes effective, the school sections that are included in the township school area cease to exist and the boards having jurisdiction therein are dissolved. R.S.O. 1960, c. 330, s. 40 (1).

Inclusion
of union
school
section in
township
area

(2) The council of the township may by by-law include a union school section or part thereof in a township school area if the council of each other municipality that contains a portion of the union school section by resolution assents thereto within sixty days of the passing of the by-law, and, where the whole of the union school section is included, all parts thereof shall be regarded as part of the township for public school purposes.

(3) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent, within sixty days of the passing of the by-law, to the inclusion of the union school section or any part thereof, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly within ninety days of the passing thereof. ^{Idem}

(4) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent within ninety days of the passing of the by-law. 1962-63, c. 117, s. 5 (1). ^{Idem}

(5) Where the whole or part of a union school section is included in a township school area, the union school section shall be dissolved on the 1st day of January of the year following that in which the by-law is passed and the provisions of section 42 with respect to the adjustment of rights and claims apply, and where only part of the union school section is included the remaining part or parts shall, subject to subsection 3 of section 11, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act. R.S.O. 1960, c. 330, s. 40 (5). ^{Dissolution of union school section}

(5a) Notwithstanding section 17, a by-law may be passed under subsection 5 on or before the 30th day of September. 1961-62, c. 120, s. 9 (1). ^{Time for passing by-law re remaining part of union school section}

(6) Where a township school area includes a union school section, the clerk of each township any portion of which forms part of the union school section shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township. ^{Certified copy of voters' list}

(7) The council of a township may by by-law add all or part of a school section or union school section to a township school area already established, and subsections 1 to 6 apply *mutatis mutandis*. ^{Enlargement of areas}

(8) The council of a township that includes part or all of a township school area may, by by-law passed before the 1st day of July in any year, detach any portion of the township school area and, subject to subsection 3 of section 11, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an ^{Decreasing areas}

adjoining school section, or to a union school section. R.S.O. 1960, c. 330, s. 40 (6-8).

Approval
required

(9) Where the township school area from which a portion is detached comprises two or more municipalities or parts thereof or where the portion detached or any part thereof is attached to a township school area, or to an adjoining school section, or to a union school section, part or all of which is situated in a municipality other than a municipality having jurisdiction in the township school area from which the portion is detached, a by-law passed under subsection 8 shall not be effective unless it is approved by resolution passed by the council or councils of the municipalities concerned within sixty days of the passing of the by-law. R.S.O. 1960, c. 330, s. 40 (9); 1962-63, c. 117, s. 5 (2).

Township
school
area,
formation of

(10) The council of each of two or more contiguous townships may, by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township to form a township school area with the whole or any portion of the contiguous township or townships and subsections 1 to 7 apply *mutatis mutandis*.

Idem

(11) The council of each of one or more contiguous townships, and of a village or town that is contiguous to one or more of them may, respectively, by by-law passed with the consent of a majority of the whole number of members of each council before the 1st day of July in any year, set apart the whole or any portion of the township or townships and the whole of the adjacent village or town, which together shall form a township school area, and subsections 1 to 7 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 40 (10, 11).

Inclusion of
unorganized
territory

(12) The council of a town, village or township or the councils of two or more municipalities,

(a) establishing a township school area; or

(b) by which a township school area has been established,

may include in the area or may add to the area, as the case may be, any portion of territory without municipal organization if the board of every school section in such portion so included or added consents thereto, and the territory so included or added shall for all public school purposes be deemed to be a part of the municipality having the largest assessment within the area, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the territory so deemed part of the municipality as with respect to the part of the municipality

actually within the township school area. R.S.O. 1960, c. 330, s. 40 (12); 1962-63, c. 117, s. 5 (3).

(13) There shall be a board of public school trustees for every township school area which, subject to subsection 15, shall consist of five members. R.S.O. 1960, c. 330, s. 40 (13); 1961-62, c. 120, s. 9 (2). Board of public school trustees for township school area

(14) The persons who may be trustees on a board, Qualifications of trustees

(a) for a township school area that does not include an urban municipality, shall have the qualifications required for trustees of a rural school section; and

(b) for a township school area that includes an urban municipality, shall have the qualifications required for trustees of an urban board or for trustees of a rural school section. R.S.O. 1960, c. 330, s. 40 (14).

(15) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*. 1961-62, c. 120, s. 9 (3). Where township divided into wards

(16) The trustees of every township school area shall hold office until their successors are elected and a new board is organized. Term of office of trustees

(17) The election of school trustees for the township school area shall be by ballot and shall be held for the year in which the by-law takes effect and for each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and except as otherwise provided herein all the provisions of this Act applicable to the election of trustees by ballot apply as nearly as may be to the election of school trustees under this section. Township school area, election of trustees

(18) Where a township school area is formed under subsection 10 or 11, Nominations and elections where two or more municipalities in area

(a) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality that has the largest equalized assessment, or, where there is no equalized assessment, the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;

- (b) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and
- (d) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

**Term of
office**

(19) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year.

**Subsequent
elections**

(20) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

**Equality of
votes at
first elec-
tion**

(21) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

**Powers of
township
school area
board**

(22) The board of a township school area has the powers of an urban public school board and of a rural public school board. R.S.O. 1960, c. 330, s. 40 (16-22).

Incorporation

(23) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of.....(*inserting the name of the municipality and a number designated by council where there are two or more township school areas established by the municipality*)". 1962-63, c. 117, s. 5 (4).

(24) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Vesting of
real and
personal
property in
board of
township
school area

(25) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

Board
responsible
for obliga-
tions of
each school
in township
school area

(26) Where a township school area is formed under subsection 10 or 11, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books. R.S.O. 1960, c. 330, s. 40 (24-26).

Auditor

(27) No by-law passed under this section comes into force until it has been approved by the Minister. 1961-62, c. 120, s. 9 (4).

Approval of
by-law

(28) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area. R.S.O. 1960, c. 330, s. 40 (28).

Powers and
duties

41.—(1) An inspector may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form two or more school sections in territory without municipal organization or parts thereof into a township school area and may include any other part of territory without municipal organization therein or decrease or increase the area thereof.

Township
school
areas in
unorganized
territory

(2) The formation of the township school area shall take effect as from the 1st day of January next following the approval of the Minister, but the boards of trustees of the rural school sections shall continue in office until a board for the township school area has been elected and organized as provided by this section.

Effective
date

(3) There shall be a board of five public school trustees for every such township school area and the board may exercise such powers and perform such duties with respect to the public schools of the area as a board constituted under section 40.

Constitution
of board

(4) The first meeting of the ratepayers for the election of trustees shall be held at a time and place to be named by the

First
election

inspector, and shall be conducted as nearly as may be in the same manner as the election of trustees in a rural school section.

Subsequent
elections;
powers and
duties

(5) All subsequent elections of school trustees for the township school area shall be by ballot, and the board of trustees of the area shall exercise all the powers and may perform all duties of a municipal council in relation to the nomination and election of trustees and the assessment and collection of taxes for the township school area.

Incorporation

(6) Every board of trustees of a township school area formed under this section is a corporation by the name of "The Public School Board of the Township School Area of....." (*inserting the name selected by the inspector and approved by the Minister*).

Application
of ss. 21-23,
40, 56-61

(7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 21 to 23, 40 and 56 to 61 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 41.

Adjustment
of claims

42.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area. R.S.O. 1960, c. 330, s. 42 (1); 1962-63, c. 117, s. 6.

Powers of
Minister
and referee

(2) The Minister and any referee appointed by him have and may exercise such jurisdiction and powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,
hearing by,
report and
remuneration

(3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

Consideration
of
report by
Minister

(4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration. R.S.O. 1960, c. 330, s. 42 (2-4).

Decision of
Minister

(5) The Minister may adopt, vary or amend the report and, subject to subsection 5a, his decision is final and not open to question or appeal and is binding upon each municipality and

the ratepayers of each municipality and of any school section affected thereby. R.S.O. 1960, c. 330, s. 42 (5); 1961-62, c. 120, s. 10 (1).

(5a) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. 1961-62, c. 120, s. 10 (2).

(6) The council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, that is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section.

(7) For the purpose of evaluating, adjusting and determining all rights and claims,

(a) between parts of a municipality or municipalities and parts of territory without municipal organization formed into a township school area under subsection 12 of section 40; and

(b) between school sections within township school areas formed under section 41,

subsections 1 to 6 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 42 (6, 7).

43.—(1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the assessors shall be called by the assessor of the municipality having the largest population within the township school area according to the last revised assessment rolls. R.S.O. 1960, c. 330, s. 43 (1).

(1a) In any year in which a township school area comprising territory in two or more municipalities is formed or in which its boundaries are altered, the apportionment of the annual requisition shall be determined in the manner provided in section 55. 1961-62, c. 120, s. 11.

(2) Where the assessors disagree, the inspector of the township school area and the assessors shall be arbitrators to determine the matter. R.S.O. 1960, c. 330, s. 43 (2).

Consolidated
school section
deemed town-
ship school
area

44. Every consolidated school section heretofore established is a township school area. R.S.O. 1960, c. 330, s. 44.

UNION SCHOOL SECTIONS

Unions may
be formed
in townships
including
towns and
villages

45.—(1) In a county a union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality.

Procedure
for forma-
tion, altera-
tion or dis-
solution of
union

(2) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section.

Arbitrators

(3) Each of the councils so petitioned shall, within thirty days of the receipt of the petition, appoint an arbitrator who shall not be a member of the council, and the clerk of each municipality concerned shall send a notice of the appointment to the inspector in the municipality and each such inspector shall also be an arbitrator.

Petition of
council

(4) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if the petition is signed by five ratepayers of the municipality acting thereon.

Where even
number of
arbitrators
appointed,
county
judge to act

(5) Where there would otherwise be an even number of arbitrators, the judge of the county or some person named by him shall be added, and, where the arbitration affects two or more counties, the judge of the county that has the largest population according to the last federal census or some person named by him shall be added.

Majority
award

(6) The arbitrators, or a majority of them, may make and publish the award.

First meet-
ing of ar-
bitrators

(7) The first meeting of the arbitrators shall be called by the senior inspector, who shall give ten days notice in writing of the meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.

What award
may deal
with

(8) The award of the arbitrators may deal with a greater or smaller area or areas than the area or areas specified in the petition.

Award,
what to
contain

(9) Where the arbitrators determine upon the formation of a new union section or upon the alteration of the boundaries of an existing union section, they shall in their award set

forth the specific parcels of land to be included in the new union section or in the altered section, as the case may be.

(10) In the event of the transfer of any land from an existing union section to some other section, the arbitrators shall in their award set forth to what other section the transfer shall be made. Award to set out land transferred

(11) Where the arbitrators determine upon the dissolution of an existing union section, they shall set forth in their award the section or sections to which the land composing the union section shall be attached. In case of dissolution

(12) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided. Reorganizing union section

(13) Where a new union section is formed or an existing union section is altered, the arbitrators shall determine and fix the proportion that the part in each municipality shall be liable to contribute towards the erection of the schoolhouse and the maintenance of the school and other necessary expenses. Fixing proportions of liabilities

(14) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other, and the right of any ratepayer affected by the award. Adjustment of claims

(a) Where the award directs the payment of any sum of money by one municipal corporation to another, the corporation liable may pass a by-law for borrowing the money by the issue and sale of debentures, and it is not necessary to obtain the assent of the electors to any such by-law, or to observe the other formalities in relation thereto prescribed by *The Municipal Act*. School arbitrations, payment of award

(b) The debentures and the money to be raised annually for the payment thereof is chargeable only upon the property of ratepayers who are the supporters of public schools. Debentures to be a charge on public school rates

R.S.O. 1960,
c. 249

Term and
form of
debentures

- (c) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable in annual or other instalments in the manner provided by *The Municipal Act*.

R.S.O. 1960,
c. 249

Calling first
meeting
to elect
trustees

(15) Where a new union section is formed, the inspector authorized under subsection 7 to call the first meeting of the arbitrators shall call the first meeting of electors for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act, and the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Union to
take effect
Jan. 1st

(16) Such union, alteration or dissolution, except as herein otherwise provided, does not take effect until the 1st day of January after the award or a certified copy thereof is filed with the clerks of the municipalities thereof. R.S.O. 1960, c. 330, s. 45 (1-16).

Term of
apportion-
ment

(17) The proportion of liability determined by the arbitrators under subsection 13 shall continue in force until it is altered under the provisions of section 55. 1961-62, c. 120, s. 12.

(18) REPEALED: 1961-62, c. 120, s. 12.

Union school
sections in
territorial
districts

(19) In a territorial district,

- (a) a union school section may be formed consisting of,
- (i) all or part of two or more organized townships, or
 - (ii) a town or village and all or part of one or more organized townships, or
 - (iii) territory without municipal organization and all or part of two or more municipalities;

petition

- (b) for the purpose of the formation, alteration or dissolution of such a union school section the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector;

school arbi-
trators

- (c) the arbitrators shall be one person appointed by each of the councils of the organized municipalities concerned, the inspector of the district and the judge of the county or district court or some person named by him, and they have all the powers of the board of arbitrators mentioned in this section, all of which,

so far as applicable, applies to the subject matter of this subsection;

- (d) each of the councils petitioned by five or more rate-payers shall, within thirty days of the receipt of the petition, appoint an arbitrator who shall not be a member of the council, and the clerk of each municipality concerned shall send a notice of the appointment to the inspector in the municipality. R.S.O. 1960, c. 330, s. 45 (19); 1962-63, c. 117, s. 7.

46.—(1) A union school section may be formed consisting of a part of a township or parts of two or more townships and an adjoining city or separated town where the suburban school section or sections concerned, by a majority vote at a meeting of the ratepayers in such section or in each of such sections regularly called, approves of such formation, and such union is also approved by the urban board, and the union shall take effect on the 1st day of January next after the union has been confirmed by by-laws passed by the councils of the township and the city or separated town respectively, at the request of the boards of the suburban school section or sections and of the city or separated town.

(2) Where a union school section is established under subsection 1, the council of each municipality concerned shall appoint an arbitrator and the arbitrators shall meet before the 1st day of December in each year and shall determine what proportion of the annual requisition made by the board for school purposes shall be levied in the following year upon and collected from the taxable property of the public school supporters of the union school section in each municipality.

(3) The arbitrators shall notify the board and the municipalities concerned by registered mail of their decision forthwith after the making thereof.

(4) If the board or the council of any municipality concerned is not satisfied with the decision of the arbitrators, the board or any such council, within ten days of the receipt of the decision, may appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision is final.

(5) If the arbitrators do not reach a decision on or before the 1st day of December, the board shall appeal to the judge of the county or district court of the county or district in which the union school section or any part thereof is situated and the judge shall determine the apportionment and his decision is final.

Alteration
and dissolu-
tion

(6) Except as otherwise provided in this section, the provisions of section 45 with respect to the alteration or dissolution of a union school section apply to the alteration or dissolution of a union school section formed under this section. R.S.O. 1960, c. 330, s. 46.

Corporate
name

47.—(1) Where an urban municipality forms part of a union school section, the board of trustees is a corporation by the name of "The Public School Board of..... and Union School Section Number(s).....of*" (inserting the name of the urban municipality in the first blank, the section numbers in the second blank and the names of the other municipalities in alphabetical order in the third blank).*

Idem

(2) Where parts of two or more townships form a union school section, the board of trustees is a corporation by the name of "The Public School Board of Union School Section Numbers.....and.....of the townships of.....and.....*" (inserting the names of the municipalities and numbers, the name of the municipality in which the school is located appearing first and the rest in alphabetical order).*

Portions
in union
school
section to
be numbered

(3) For the purposes of subsections 1 and 2, each township council shall by by-law designate that portion of the union section within the township by a number not already used in the township for a school section. R.S.O. 1960, c. 330, s. 47.

Appeal
relating to
union school
within a
county

48.—(1) Where the territory that it is proposed to form into a union section or the union section that it is proposed to alter or dissolve lies wholly within a county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of the section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 45.

Appoint-
ment of
arbitrators
by county
council

(2) On receipt of such appeal, the county council has power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and the arbitrators have all the powers of arbitrators appointed under section 45 and the decision of a majority of them is final.

First meet-
ing of
arbitrators

(3) The first meeting of the arbitrators shall be called by the county clerk. R.S.O. 1960, c. 330, s. 48.

49.—(1) Where territory that it is proposed to form into a union school section or the union school section that it is proposed to alter or dissolve lies in a territorial district or in two or more counties or includes a city or separated town, the board or any five ratepayers in the union school section or territory concerned, or any inspector or inspectors, may at any time appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of the section or against the refusal or neglect of the council or councils concerned to appoint arbitrators as provided in section 45.

Appeals to
Minister
from school
arbitrators
in case of
union school
section

(2) The Minister may in his discretion alter, determine or confirm the award or, where no award has been made, he may appoint not more than three arbitrators who have all the powers of arbitrators appointed under section 45, and a decision of a majority of them is final.

Powers of
Minister

(3) The first meeting of the arbitrators shall be called by the Minister. R.S.O. 1960, c. 330, s. 49.

First meet-
ing of
arbitrators

50. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part, and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. R.S.O. 1960, c. 330, s. 50.

Collection
of rates in
union school
sections

51.—(1) Where a township is divided into two or more townships, all school sections that, in consequence of the division, are situate partly in each of the newly formed townships shall be deemed union sections until otherwise altered under this Act.

Union
sections as
a conse-
quence of a
division of
township

(2) The councils of the newly formed townships shall by by-law designate a number for each school section and each part of a union school section within the municipality and each township school area the largest part of which lies within the township. R.S.O. 1960, c. 330, s. 51.

Renumbering
of sections

52. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and with respect to inspection shall be deemed to be within the municipality in which the schoolhouse is situate, or, if there are two or more schoolhouses, then in that municipality within which a schoolhouse is situate that has the largest amount of property assessed for public school purposes. R.S.O. 1960, c. 330, s. 52.

Election of
trustees,
and inspec-
tion of
union school
sections

Where township ratepayers to vote when urban municipality divided into wards

53.—(1) Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the electors of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent, any such elector may vote in either of such wards.

List of voters

(2) The clerk of the township shall furnish to the clerk of the urban municipality a certified copy of so much of the last revised voters' list of the township as contains the names of electors qualified to vote in that portion of the union school section lying within the township. R.S.O. 1960, c. 330, s. 53.

Application of R.S.O. 1960, c. 249, re assets and liabilities of incorporation or annexation

54.—(1) Where a school section is located in whole or in part in an area that becomes incorporated or is annexed to or amalgamated with another municipality, the provisions of sections 12 and 14 of *The Municipal Act* apply with respect to the disposition of assets and liabilities.

Issue of debentures for rural school board

(2) Subsection 1 of section 65 does not apply to an application by a rural school board for the issue of debentures required under an agreement or an order of the Ontario Municipal Board made under section 12 or 14 of *The Municipal Act*. 1961-62, c. 120, s. 13.

(3) REPEALED: 1961-62, c. 120, s. 13.

Status of the part of a school section that is not annexed

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section, the part remaining constitutes a school section by the same name as before the incorporation or annexation, and the school corporation continues, and the trustees who are in office at the time of the incorporation or annexation continue in office until their successors are elected and are the board of public school trustees for the part of the section not so included in the urban municipality, and the trustees may resume office or be elected for the section in case the board has been disbanded, and action may be taken by the township council at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

Disposition of assets and liabilities upon union of municipalities

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality are vested in and assumed by the board of the united municipality. R.S.O. 1960, c. 330, s. 54 (4, 5).

55.—(1) Except in the case of union school sections established under section 46,

Maintenance
of union
school section,
apportion-
ment of
costs

- (a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least ten,

and in any case,

- (c) in each year that is divisible evenly by 5,

the assessors of the municipalities in which such a union section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities in which the section lies, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year. 1960-61, c. 82, s. 5 (1).

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the assessors at their next meeting shall revise the apportionment.

Assessment
altered by
exemptions

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the schoolhouse is situate.

Meeting of
assessors

(4) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

Where more
than one
assessor

(5) Notice of the determination shall be given forthwith to the secretary of the board, the clerk of each municipality and the public school inspector.

Notice of
determina-
tion

(6) If the assessors do not reach a decision on or before the 1st day of December, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators and shall determine the matter and report to

Arbitration
where
assessors do
not reach a
decision

the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Where union
school
section in
two counties

(7) Where the union school section is composed of parts of two adjoining counties and the assessors do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union section is situate shall act with the assessors as arbitrators.

Duration of
decision

(8) The decision of a majority of the arbitrators is final until the next apportionment takes effect.

Reconsider-
ation of
award

(9) The assessors or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed.

Costs

(10) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. R.S.O. 1960, c. 330, s. 55 (2-10).

Levy for
transporta-
tion costs
for high
school
pupils
resident in
part of
school
section
not in high
school
district

(11) Where a part of a union school section or a township school area in a municipality is also in a high school district, and another part of the union school section or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or township school area may furnish transportation for secondary school pupils whose parents or guardians are public school supporters and who reside in the part of the union school section or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or township school area. 1960-61, c. 82, s. 5 (2).

SECTIONS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Formation of
school sections
in territory
without
municipal
organization

56.—(1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a school section.

Limits of
section,
alterations

(2) The school section shall not exceed thirty-six square miles in area and, subject to this restriction, the boundaries may, with the approval of the Minister, be altered by the Inspector from time to time.

(3) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter the boundaries of the sections so as to transfer such land from one section to the other, but the transfer does not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested.

Inspector
may trans-
fer land to
contiguous
school
section

(4) Any alteration of the boundaries of a school section under this section takes effect on the 1st day of January.

Effective
date of
alterations

(5) After the formation of a school section, any two rate-payers in the section may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Election of
school
trustees

(6) The trustees elected at such meeting or at any subsequent school meeting of the school section have the powers and are subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school.

Trustees'
powers and
obligations

(7) The trustees are a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No.....of the unorganized Townships ofin the Territorial District(s) of(*inserting a number selected by the inspector, the name of the township in which the school site is located, the names of other townships in alphabetical order and the name(s) of district(s)*)" and, where the school section includes only unsurveyed territory, shall be known as "The Public School Board of.....in the Territorial District(s) of.....(*inserting a name selected by the inspector and the name(s) of the district(s)*)". R.S.O. 1960, c. 330, s. 56.

Trustees to be
corporation,
name

57.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Sections to
be divided
into groups

(2) The treasurers of the boards in a group constitute a court for the revision of the school assessment rolls of the sections in the group and for the hearing and determination

Court of
revision

of any appeals against the same, and the members of the court shall be paid reasonable travelling expenses by their respective boards for their attendance.

When
inspector to
act as court
of revision

(3) Where, from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any school section, the inspector, on the request of any board, may assume or may, by writing, appoint some other person to assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector or other person appointed by him in the matter are subject to this Act and have the same effect as if made in a court of revision constituted under subsection 2. R.S.O. 1960, c. 330, s. 57.

Annual
assess-
ment roll

58.—(1) The board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the school section, and the secretary shall submit a certified copy of the roll to the proper court for revision.

Appoint-
ment of
assessor for
new section

(2) Where a new school section is formed after the 1st day of March in any year, the appointment of an assessor shall be made as soon after its formation as possible.

Notice of
assess-
ment

(3) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by sending the notice by registered mail to his last known address, or, if his address is unknown, by posting up the notice in the post office nearest to the land assessed.

Assessor to
make oath
R.S.O. 1960,
c. 23

(4) The assessor is subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

Return
of roll

(5) The assessor shall return the assessment roll to the secretary not later than the 30th day of September of the year in which the assessment is made.

Extension
of time for
return of
roll

(6) Where in any year it appears to a school board that the assessment roll will not be returned on the 30th day of September, the board may, by resolution passed with the approval of the Minister, extend the time for the return of that assessment roll for such period not exceeding sixty days subsequent to the 30th day of September as appears necessary, and when such a resolution is passed the time for closing the court of revision for that year is thereby extended for a period

corresponding to that for which the time for the return of the assessment roll is extended.

(7) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the school section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment. Appeal
against
assessment

(8) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be sent by registered mail to the last known addresses of non-resident ratepayers. Posting up
notice

(9) Subject to subsections 10 and 11, all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision has the same powers as municipal courts of revision. Manner of
appeal

(10) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 3. Notice
of appeal

(11) The court may appoint a competent person to be its clerk for each school section or one for all the school sections. Court
clerk

(12) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of five and twenty-one years resident in the section and the name and residence of such child's parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector. School
census

(13) An appeal to the district judge lies at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to such court but also against any omission, neglect or refusal of such court to hear or decide an appeal, and an appeal lies to the Ontario Municipal Board from a decision of the district judge, and sections 75 to 80 and 82 to 90 of *The Assessment Act* apply *mutatis mutandis* to every such appeal. Appeals

R.S.O. 1960,
c. 23

(14) The district judge is entitled to receive from the board as his expenses for holding court for the purpose of hearing appeals from the court of revision under this section, except where court is held in the district town, the same sums as he is allowed for holding courts for revising voters' lists. Expenses
of judge

(15) Subject to subsection 13, the roll, as finally passed and signed by the chairman of the court of revision, is binding Confirmed
roll binding

upon the trustees and ratepayers of the school section until the roll for the succeeding year is passed and signed as aforesaid. R.S.O. 1960, c. 330, s. 58.

Powers of
board re
levying of
rates, etc.

58a.—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for public school purposes.

Powers of
tax collector

(2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality. 1961-62, c. 120, s. 14, *part*.

Rates for
first year
levied on
current
assessment

58b. In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year. 1961-62, c. 120, s. 14, *part*.

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

59.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school purposes be deemed to be annexed to the organized municipality that has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

Estimates to
include
expenses of
collection,
etc., and
allowances
to be made

(2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall,

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that it is estimated will not be collected during the year in such part of the territory without municipal organization; and
- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio that the assessment in that part of the territory without

municipal organization bears to the total assessment of the union section. R.S.O. 1960, c. 330, s. 59.

60.—(1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section. R.S.O. 1960, c. 330, s. 60 (1); 1961-62, c. 120, s. 15.

(2) The debentures shall be signed by the trustees and sealed with the corporate seal of the board, and are a charge upon the taxable property of the public school supporters of the section. R.S.O. 1960, c. 330, s. 60 (2).

61.—(1) The board of a school section may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the ratepayers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector. R.S.O. 1960, c. 330, s. 61 (1); 1960-61, c. 82, s. 6.

(2) A collector has the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township as provided in *The Assessment Act*.

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the

sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid to
sheriff

(6) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land
for arrears

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1960, c. 330, s. 61 (2-7).

Where tax
arrears
procedures
of R.S.O.
1960, c. 98,
in effect

(8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. 1962-63, c. 117, s. 8.

Collection
of rates in
unorganized
areas by
action

62. In addition to any other remedy possessed by public school trustees in territory without municipal organization for the recovery of rates imposed under the authority of this Act, the trustees, with the approval of the inspector in writing signed by him, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. R.S.O. 1960, c. 330, s. 62.

Inactive
school
section in
unorganized
territory

62a.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the inspector may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

Funds of
board
deposited
in Con.
Rev. Fund

(2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the

auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

(3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board. Dissolution of board

(4) The records of the inactive school section shall be filed in the office of the school inspector and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section. Records; pupils

(5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the inspector may, with the approval of the Minister, declare the school section to be active. School section declared active

(6) After the inspector has declared the school section to be active, three school trustees shall be elected in accordance with section 56, and the trustees shall provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board. 1962-63, c. 117, s. 9. Trustees

BORROWING POWERS

63.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. Debentures for permanent improvements

(2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid. Application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council. Council to deal with application

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the Issue of debentures R.S.O. 1960, c. 249

sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures.

Submission
of applica-
tion to vote
of electors

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided in *The Municipal Act* in the case of a money by-law.

R.S.O. 1960,
c. 249

When vote
to be held

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days after the receipt of the request from the board.

When vote
favourable

(7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

Assent of
electors not
required

(8) The council or councils having jurisdiction in the area for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of
debentures

(9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

Interpre-
tation

(10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

Chargeable
only on
property of
public school
supporters

(11) The debentures and the money to be raised annually for payment thereof are chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board that requested the issue of debentures.

Payments
to boards

(12) Where a municipality has raised money for the purposes of a board by the issue and sale of debentures, or by the

hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

(13) Where a township school area or a union school section that includes an urban municipality comprises two or more municipalities or parts thereof, subsection 6 of section 65 applies to such municipalities. R.S.O. 1960, c. 330, s. 63. Municipalities in township school area to pay in proportion

64. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, has the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality under section 63 and section 63 applies *mutatis mutandis*. R.S.O. 1960, c. 330, s. 64. Powers where board of education has jurisdiction

65.—(1) Every application of a rural school board, except a township school area board, for the issue of debentures for permanent improvements shall be made as provided in subsection 2 of section 63 but shall first be sanctioned, at a special meeting called for the purpose, by the ratepayers of the school section who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of the public schools under the jurisdiction of the board. Sanction by ratepayers in rural school section

(2) Where there is more than one municipality having jurisdiction in a rural union school section, the application shall be sanctioned in accordance with subsection 1, unless the councils of each municipality, or of a majority of the municipalities where there are more than two which or part of which are included in the union school section, have approved of the application. Sanction by ratepayers in rural union school section

(3) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 2. Interpretation

(4) Upon the application of a rural school board, the council of the municipality or, if more than one, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. Issue of debentures

(5) The council of a municipality under this section has the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on an urban municipality by section 63, and subsections 9, 11 and 12 of section 63 apply *mutatis mutandis*. Power to issue debentures

Municipality forming part of union section to pay in proportion

(6) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest as it comes due according to its or their liability as determined by section 55.

How payable

(7) The proportion of the moneys payable by the corporation of each of the municipalities is payable out of the taxable property of the public school supporters therein lying within the school section. R.S.O. 1960, c. 330, s. 65 (1-7).

(8) REPEALED: 1962-63, c. 117, s. 10.

Liability for debenture debt on alteration of boundaries of section

(9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the arbitrators or the referee appointed to adjust rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the arbitrators or the referee. 1961-62, c. 120, s. 16.

(10) REPEALED: 1961-62, c. 120, s. 16.

School property may be paid for by one special rate

66.—(1) Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may, require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher's residence.

Council not to levy more than one rate except in certain cases

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. R.S.O. 1960, c. 330, s. 66.

Rural school board may borrow surplus moneys

67. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1960, c. 330, s. 67.

68.—(1) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. R.S.O. 1960, c. 330, s. 68.

Cost of borrowing advance to board before sale of debenture

(2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. 1962-63, c. 117, s. 11.

Expenses re issuing debenture

RATES

69.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act and in *The Municipal Act* and *The Assessment Act*, such sums as may be required by the board for school purposes, and shall pay them to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector.

Councils to levy sums required by trustees

R.S.O. 1960, cc. 249, 23

(2) In the case of a union school section formed of parts of townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of the union school section, each in the proportion that such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Rates in union sections

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum that has been collected in excess of the sums disbursed, on account of the public school or schools within the municipality or school section, and shall pay over the same to the school board of the municipality or of the section. R.S.O. 1960, c. 330, s. 69.

And to account for same

70. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the

Apportionment of school money by township councils

teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section who reside in the township during the same period. R.S.O. 1960, c. 330, s. 70.

Additional grants for school purposes

71.—(1) In addition to any sums that the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the grants by general rate upon all taxable property of public school supporters in the municipality.

Purposes for which aid may be granted

(2) The purposes for which the rate mentioned in subsection 1 may be raised include, but are not limited to, the establishment and maintenance of school corporations, aiding new or weak schools or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. R.S.O. 1960, c. 330, s. 71.

Correction of errors in collection of rates in previous years

72. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1960, c. 330, s. 72.

School rate where no public school in municipality

73. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. 1960-61, c. 82, s. 7.

Reserve fund for public school purposes

73a.—(1) The moneys raised under section 73 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund.

R.S.O. 1960, c. 408

Application of fund

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. 1960-61, c. 82, s. 8.

POWERS AND DUTIES OF BOARDS

- 74.—(1)** A public school board shall, Duties of
boards:
- (a) operate schools under its charge in accordance with the provisions of this Act, *The Schools Administration Act, The Department of Education Act* and the regulations thereunder; operate
schools
R.S.O. 1960,
cc. 361, 94
 - (b) prepare and submit to the municipal council on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided to meet expenditures for the schools under its charge, and the estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues estimated to be derived by the board during the current year from all sources; submit
estimates
 - (c) keep open each school during the whole period of the school year, except where it is otherwise provided by this Act; school
open
 - (d) provide and pay, provide
and pay
 - (i) the salaries of employees of the board,
 - (ii) repairs to buildings,
 - (iii) furnishings,
 - (iv) fuel
 - (v) light,
 - (vi) stationery,
 - (vii) equipment,
 - (viii) insurance
 - (ix) travelling expenses of trustees and officers of the board, and
 - (x) miscellaneous expenses incurred under the authority of the board. R.S.O. 1960, c. 330, s. 74 (1).
- (2)** A public school board may, Powers of
board:
- (a) take possession of all property acquired or given for public school purposes and hold it according to the terms on which it was acquired or given; hold
property
 - (b) dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, and convey the same under the sell
property

corporate seal of the board, and apply the proceeds thereof for school purposes or as directed by this Act;

kindergartens
etc.

- (c) establish,
 - (i) kindergartens,
 - (ii) classes in industrial arts training and household economics,
 - (iii) school gardens, and
 - (iv) auxiliary and academic-vocational classrooms;

deaf and
dumb and
blind

- (d) in cities of 100,000 population and over, provide, subject to the approval of the Minister, special classes for the instruction of the blind or deaf and dumb pupils residing within the municipality;

agriculture

- (e) provide and pay for such equipment as may be necessary for the teaching of agriculture;

school
fairs

- (f) contribute toward the support of rural school fairs;

exempt

- (g) exempt any indigent person from the payment of school taxes or fees, in whole or in part, in which case it shall notify the clerk of the municipality of such exemption on or before the 1st day of August;

surgical
treatment

- (h) provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical inspector are employed, of the nurse and medical inspector, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; R.S.O. 1960, c. 330, s. 74 (2);

agreements
re
accommoda-
tion for
Indian
pupils

- (i) enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition at the gross cost per pupil per day, as defined in section 6, for the maximum number of Indian pupils agreed upon;

idem

- (j) enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case

the tuition fee shall be the gross cost per pupil per day, as defined in section 6, for the current year exclusive of expenditures for permanent improvements. 1962-63, c. 117, s. 12.

(3) A public school board of a rural school section that is ^{Duties of rural board:} not a township school area shall,

- (a) at the first meeting of the board, examine the school-house, outbuildings, school furniture, maps and apparatus, with a view to ascertaining what repairs or improvements may be necessary; ^{examine property}
- (b) make suitable provisions for heating the schoolhouse and keeping the schoolhouse and premises in a clean and sanitary condition; and ^{custodian}
- (c) ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would otherwise be required to attend the school under its charge. ^{deaf and dumb and blind}

(4) A public school board of a rural school section may borrow on the promissory note of the board, under its corporate seal, at interest not exceeding 8 per cent per annum, such moneys as may be required for the payment of a secretary's salary and teachers' salaries until the taxes imposed therefor are collected. R.S.O. 1960, c. 330, s. 74 (3, 4). ^{Borrowing for teachers' salaries}

(5) A public school board of a rural school section including only territory without municipal organization may borrow on the promissory note of the board, under its corporate seal, such moneys as may be required to meet maintenance expenditures until legislative grants and taxes are collected, but the amount that may be borrowed in any year, ^{Current borrowings of board in unorganized territory}

- (a) shall not exceed 70 per cent of the estimated revenues of the board as set forth in the estimates adopted for the year; and
- (b) at any one time, together with similar borrowings that have not been repaid, shall not exceed the uncollected balance of the estimated revenues of the board as set forth in the estimates adopted for the year. 1961-62, c. 120, s. 17.

75. The board of a city may, when so requested in writing by a charitable organization having the charge of children of school age, employ and pay teachers for the education of such children and pay for and furnish school supplies for their use, whether or not such children are being educated in premises within or beyond the limits of the city, and any children being ^{Employing teachers in charitable institutions}

so educated are subject to this Act and the regulations. R.S.O. 1960, c. 330, s. 75.

GENERAL

Appeal to
county
council
from
township
by-law

76.—(1) A board or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal to the county council of the county in which the section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide, or alter the boundaries of, a school section or school sections within the township.

Time for
appeals

(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for the by-law to be passed, as the case may be.

Arbitration

(3) On receipt of the notice of appeal, the county council shall either,

- (a) dismiss the appeal; or
- (b) appoint a board of arbitrators consisting of not less than three and not more than five competent persons, one of whom shall be the county judge or some person named by him, and one of whom shall be the inspector, and a majority of whom form a quorum, and the arbitrators shall hear the appeal and, subject to subsection 3 of section 11, shall form, divide, unite, or alter the boundaries of, the school section or school sections so far as to settle the matters complained of.

Notice

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

Appeals in
territorial
districts

(5) In a territorial district, the appeal is to a board of three arbitrators composed of the judge of the district court or some person named by him, the inspector, and some person appointed by by-law or resolution of the township council, and

- (a) the notice of appeal shall be given to the clerk of the township, the inspector and the judge;
- (b) the township council, at its first meeting after service of the notice upon the township clerk, shall appoint

their arbitrator, and the clerk of the township shall forthwith notify the inspector of the appointment;

- (c) the judge, upon receipt of the notice of appeal, shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead and notify the inspector in writing of the appointment; and
- (d) when the board is complete, the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

(6) The alterations or determination of such matters, ^{When alterations or determination of appeal to take effect, duration} except as otherwise provided herein, do not take effect before the 1st day of January in the year following that in which the award is made, and shall continue in full force for the period of at least five years, and thereafter until changed under this Act.

(7) No person shall be nominated or appointed arbitrator ^{Who may act as arbitrators} who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. R.S.O. 1960, c. 330, s. 76.

(8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within sixty days of the passing of the by-law, the council that passed the by-law may within twenty days after the time for passing the resolution has expired appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*. 1961-62, c. 120, s. 18, *part*; 1962-63, c. 117, 2. 13. ^{Appeal to county council re assenting resolution}

(9) Where the by-law involves land in two or more municipalities in the territorial districts or two or more counties or a city or separated town, the appeal shall be to the Minister, who shall either, ^{Appeal to Minister}

- (a) dismiss the appeal; or
- (b) appoint a board of three arbitrators to hear the appeal, and the board, subject to subsection 3 of section 11, shall form, divide, unite or alter the boundaries of the township school area or the school section or sections so far as to settle the matters complained of. 1961-62, c. 120, s. 18, *part*.

Adjust-
ment of
claims be-
tween
sections

77.—(1) Except as provided in sections 40 and 42, on the formation, dissolution, division or alteration of any school section or sections in the same township, the inspector and two other persons appointed by the township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them is final.

Where more
inspectors
than one

(2) Where there are more inspectors than one, the township council shall name the inspector who is to act. R.S.O. 1960, c. 330, s. 77.

School
sections
and union
sections
confirmed

78.—(1) When a school section or a union school section has existed in fact for three months and upwards and whether it has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject however to this Act as far as applicable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the section and notice thereof has been given to the persons who, according to the practice of the court in which the proceedings are taken, ought to be served with notice thereof, and such proceedings result in its being determined that the section has not been legally formed.

When
award
may be
cancelled

(2) Where the boundaries of one or more school sections have been altered by the award of a board of arbitrators under this Act and the award has not been acted upon for a period of two years, the Minister may cancel the award and may direct the appointment of new arbitrators or may himself appoint arbitrators for the reconsideration of the matter, and, where the arbitrators are appointed by the Minister, their award is not subject to any appeal.

When
cancellation
to take
effect

(3) Where an award is cancelled by the Minister as provided in subsection 2, the cancellation shall be deemed to have had effect from the time of the making of the award.

No proceed-
ing invali-
dated unless
where
substantial
injustice

(4) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter that by this Act is to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to the proceeding, arbitration or award, unless, in the opinion of the tribunal before which the proceeding, arbitration or award is called in question, the same,

if allowed to stand, will cause substantial injustice to be done to the persons affected thereby, or some of them.

(5) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which the school section or some part thereof is situate, and the decision of the judge is final unless special leave to appeal therefrom is given by the Supreme Court or a judge thereof, and if such leave is given an appeal lies to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the Court or judge giving the leave prescribes.

Jurisdiction
of county
or district
judge

(6) Where the question touches an arbitration or award to which the judge has been a party, the application shall be heard and determined by the judge of the county or district court of the adjoining county or district that has the largest population according to the last federal census. R.S.O. 1960, c. 330, s. 78.

Appeals
where judge
is
arbitrator

79.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible during certain months of the year to any of the pupils entitled to attend the school, the Minister may require the council to form a new school section or the board to provide a second school in their section, or to provide transportation to and from the school for such pupils.

Establish-
ment of
second
school
where roads
impassable

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend the second school.

Determining
months
in which
second
school to
be open

(3) Section 3 of *The Schools Administration Act* does not apply to a school established under this section, but nothing herein relieves the pupils attending the second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of the school section from the duty of providing school accommodation for such pupils during such periods. R.S.O. 1960, c. 330, s. 79.

Attendance
at school
when second
school
closed
R.S.O. 1960,
c. 361

Admission of pupils from school section to public schools of another section or to Indian schools

80.—(1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section.

Closing of school by board

(2) Where a public school board has arranged under subsection 1 for the admission of all the pupils of the school section to the public schools of another school section, the board may close the schools of the section for the period during which such arrangement is in effect.

Closing of school by Minister

(3) Where in any school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the section shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs.

Fees and travelling expenses

(4) The board may levy and collect upon the taxable property of the section such further sum as may be necessary to pay the fees of pupils attending the schools of another school section or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board may deem expedient or as may be required by the Act. R.S.O. 1960, c. 330, s. 80.

Certain by-laws and awards to be valid unless notice to quash given

81.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act, is valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making the same, unless notice of an application to quash the by-law or to set aside the award is given to the township clerk within one month after the publication of the by-law or award, and the same is subsequently quashed or set aside.

What deemed publication of by-law

(2) The by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby.

Time for making awards

(3) Arbitrators appointed under any of the provisions of this Act shall make their award within one month from the time when the last arbitrator was appointed; provided, however, that the county or district judge may extend the time for making an award upon application to him by the arbitrators

either before or after the time for making the award has expired. R.S.O. 1960, c. 330, s. 81.

82. No by-law of a municipal council passed after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt the property from school rates of any kind. R.S.O. 1960, c. 330, s. 82. Exemption by-laws not to include school taxes

83.—(1) The clerk of every township shall give to the inspector, when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll and, at the request of any board, shall furnish the board with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the cost of preparing this statement shall be paid by the board applying for the same. Clerk to give copy of assessment to inspector

(2) The clerk of every township in which a school section is situate that is wholly or in part united to an urban municipality, shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with the section. R.S.O. 1960, c. 330, s. 83. Statement to be furnished to urban municipality by clerk of township

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The Schools Administration Act

Revised Statutes of Ontario, 1960

CHAPTER 361

as amended by

1960-61, Chapter 92; 1961-62, Chapter 130;
and 1962-63, Chapter 129

1963

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Schools Administration Act

R.S.O. 1960, CHAPTER 361

as amended by

1960-61, Chapter 92; 1961-62, Chapter 130;
and 1962-63, Chapter 129

INTERPRETATION

1.—(1) In this Act, “board”, except in Parts VI and VII, means a public school board, separate school board, continuation school board, high school board or board of education. Interpretation, in this Act
R.S.O. 1960, c. 361, s. 1 (1).

(2) In this Act and in *The Department of Education Act*, and the regulations thereunder, *The Public Schools Act*, *The Separate Schools Act* and *The Secondary Schools and Boards of Education Act*, unless otherwise provided in the Act or regulations, in school Acts
R.S.O. 1960, c. 94, 330, 368, 362

1. “adjoining” means touching at any point;
2. “capital fund” means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
3. “continuation school district” means the property liable to assessment and taxation for the purposes of a continuation school;
4. “cost of operation” means the total of the current expenditure and debt charges paid in the year by a board or on its behalf; R.S.O. 1960, c. 361, s. 1 (2), pars. 1-4.
5. “county judge” or “judge” means the judge of the county or district court of the county or district in which the school board concerned has jurisdiction and, where the school board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the school board is the greatest according to the last revised assessment rolls; 1961-62, c. 130, s. 1.
6. “current expenditure” means an expenditure for maintenance or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;

R.S.O. 1960,
c. 23

7. "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
8. "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;
9. "Department" means the Department of Education;
10. "elementary school" means a public or separate school;
11. "equalized assessment" means the total assessment of real property and business assessment of a municipality as equalized by the county council under *The Assessment Act*;
12. "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
13. "high school" includes a collegiate institute;
14. "high school district" means the area in which a high school board has jurisdiction;
15. "inspector" means a school inspector;
16. "inspectorate" means the territory for which an inspector is appointed;
17. "itinerant teacher" means a teacher employed on a part-time basis by one board or more to teach one subject and who is normally required to travel from one school to another in the performance of his duties;
18. "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;
19. "Minister" means the Minister of Education;
20. "municipal inspector" means a person who is qualified and is employed with the approval of the Minister by a school board to inspect schools in a municipal inspectorate;
21. "municipal inspectorate" means an inspectorate for which a school board employs the inspectors;
22. "municipality" means a city, town, village or town-

ship, but does not include a county;

23. "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
24. "perfect aggregate attendance" of pupils for a calendar year is the number calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of pupils registered at the school during the calendar year and deducting therefrom the number representing the number of pupil-days' non-attendance caused by,
 - i. deaths,
 - ii. late registrations owing to transfer or age of pupils,
 - iii. termination of registrations owing to transfer or age of pupils,
 - iv. expulsion, and
 - v. exclusions;
25. "permanent improvement" includes,
 - i. the acquisition of a school site and an addition or an improvement to a school site,
 - ii. the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto;
 - iii. the acquisition or erection of an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto;
 - iv. the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
 - v. the acquisition of a bus, or other vehicle, used for the transportation of pupils,
 - vi. the obtaining of a water supply on the school property or conveyed from outside the school property,
 - vii. initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;

26. "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
27. "prescribed" means prescribed by the regulations;
28. "probationary teacher" means a teacher employed for a probationary period,
 - i. of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
 - ii. of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

29. "provincial inspector" means a person who is employed by the Province as a school inspector responsible to the Minister;
30. "regulations" means the regulations made under *The Department of Education Act*;
31. "reserve fund" means a reserve fund established under section 298 of *The Municipal Act* or paragraph 16 of section 35 of this Act;
32. "rural school section" means a school section in territory without municipal organization or in one or more townships;
33. "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas;
34. "school site" means the land necessary for a school-house, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board;
35. "secondary school" means a continuation, high or vocational school;
36. "secondary school district" means a continuation or high school district;

R.S.O. 1960
c. 94

R.S.O. 1960,
c. 249

37. "secretary" and "treasurer" include a secretary-treasurer;
38. "separated town" means a town separated for municipal purposes from the county in which it is situated;
39. "teacher" means a person holding a legal certificate of qualification;
40. "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year;
41. "township" includes union of townships;
42. "urban municipality" means a city, town or village.
R.S.O. 1960, c. 361, s. 1 (2), pars. 6-42.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1960, c. 361, s. 2.

3.—(1) The school year for elementary and secondary schools consists of two terms.

(2) The first term begins on the day next following Labour Day and ends on the 22nd day of December, but when the 22nd day of December is a Monday, the first term ends on the 19th day of December.

(3) The second term begins on the 3rd day of January and ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. R.S.O. 1960, c. 361, s. 3.

4. The following are school holidays:

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
4. Victoria Day.
5. The birthday or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning Sovereign.

6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday or for a general fast or thanksgiving.
9. Remembrance Day.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under *The Public Health Act* or under *The Department of Education Act* or the regulations. R.S.O. 1960, c. 361, s. 4.

R.S.O. 1960,
cc. 321, 94

Rural
areas

5.—(1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year.

School
terms in
districts

(2) In a territorial district, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1960, c. 361, s. 5.

Compulsory
attendance

6.—(1) Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years. R.S.O. 1960, c. 361, s. 6 (1).

When
attendance
excused

(2) A child is excused from attendance at school,

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;

- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if,
 - (i) his parent or guardian resides on and operates a farm, and
 - (ii) his parent or guardian requires his services on the farm or in the farm household, and
 - (iii) he has attained the age of fourteen years,but, if such child attains the age of fourteen years during a school term, he is not excused until the end of that school term;
- (d) if he is employed under the authority of a home permit or an employment certificate;
- (e) if transportation is not provided by a board for the child and there is no school that he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;
- (f) if he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the

regulations. R.S.O. 1960, c. 361, s. 6 (2); 1960-61, c. 92, s. 1.

Blind or
deaf
children

(3) The fact that a child is blind or deaf is not an unavoidable cause under clause *b* of subsection 2 if the child is eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf.

Child under
compulsory
age

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age.

Duty of
parent,
etc.

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section.

Separate
school
supporters

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1960, c. 361, s. 6 (3-6).

Provincial
school
attendance
officer

7.—(1) The Lieutenant Governor in Council may appoint an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance.

Inquiry, by
Minister

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial
officer

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance officer may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school.

(4) The provincial school attendance officer has all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. R.S.O. 1960, c. 361, s. 7. Powers of provincial officer

8.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers. Appointment of school attendance officers

(2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards. Idem

(3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers. Idem

(4) Every elementary and secondary school board in territory without municipal organization shall appoint one or more school attendance officers. Idem

(5) Two or more boards or councils may appoint the same attendance officer or officers. Idem

(6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith. Vacancies

(7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township. Notice of appointment

(8) Notice of the appointment of a school attendance officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. R.S.O. 1960, c. 361, s. 8. Idem

9.—(1) A school attendance officer appointed by the council of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board. Jurisdiction and responsibility of officers appointed, by township council

(2) A school attendance officer appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are sub- by public school board

ject to the jurisdiction of a school attendance officer appointed by a high or separate school board.

by separate
school
board

(3) A school attendance officer appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board. R.S.O. 1960, c. 361, s. 9 (1-3).

by high
school
board

(4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district or who are not resident pupils of a high school district but are or have been enrolled during the current school year in a secondary school operated by the board. 1962-63, c. 129, s. 1.

by board of
education

(5) A school attendance officer appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. R.S.O. 1960, c. 361, s. 9 (5).

Powers of
officers

10.—(1) A school attendance officer may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school.

Reports

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

To act under
inspector
and
provincial
officer

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer.

Inquiry
by officer
and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who

is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1960, c. 361, s. 10.

11. A board may make a complete census of all children ^{Census} in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1960, c. 361, s. 11.

12.—(1) The principal of every elementary or secondary ^{Reports and information} school shall,

- (a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended ^{Where no school attendance officer} school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1960, c. 361, s. 12.

13.—(1) Where, in the opinion of the school attendance ^{Home permits and employment certificates, under 14} officer, the services of a child under fourteen years of age are required,

- (a) in farm work on a farm operated by his parent or guardian;
- (b) in some occupation in or about the home of his parent or guardian; or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period.

between
14 and 16

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required,

- (a) in some occupation in or about the home of his parent or guardian; or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation.

Revocation

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1960, c. 361, s. 13.

Provincial
officer as
trustee

R.S.O. 1960,
c. 330

14. Where it appears to the Minister that in any territory without municipal organization school trustees are not providing accommodation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers that may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer has and may exercise and perform, with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public School Act* and the regulations. R.S.O. 1960, c. 361, s. 14.

Liability
of parent
or guardian

15.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 15 (1).

(2) The judge or magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall cause the child to attend school as required by this Part. R.S.O. 1960, c. 361, s. 15 (2); 1961-62, c. 130, s. 2 (1). Bond for attendance

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 unless the child, Employment during school hours

- (a) holds a home permit or employment certificate authorizing the employment; or
- (b) is excused from attendance at school under clause c of subsection 2 of section 6.

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1960, c. 361, s. 15 (3, 4). Offences by corporations

(5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a judge of a juvenile and family court, and the judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada). Children habitually absent from school
R.S.C. 1952, c. 160

(6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection. 1961-62, c. 130, s. 2 (2). Proceedings under subs. 5

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. Proceedings to be taken by attendance officers

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal. Certificate of principal as evidence

Proof of
age

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1960, c. 361, s. 16.

PART II

TEACHERS

Memo-
randum of
contract

17.—(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

Board and
lodging

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging.

Salary of
teacher

(3) Unless otherwise expressly agreed, a teacher is entitled to be paid his salary in the proportion that the total number of days during which he teaches bears to the whole number of teaching days in the year.

Payment for
absence due
to illness
or dental
condition

(4) Subject to subsection 5, a teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition.

Itinerant
teacher

(5) An itinerant teacher is entitled to his salary for 10 per cent of the periods of instruction and supervision specified in the agreement for his employment in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the itinerant teacher his salary for more than 10 per cent of the periods of instruction and supervision in respect of his absence from duty on account of such sickness or such tooth or gum condition.

(6) Every teacher is entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. Absence of teacher in quarantine

(7) Every teacher is entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. Appearing as witness in court

(8) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18. Disputes between teachers and trustees

(9) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary. Award of salary by way of penalty

(10) For the purposes of subsection 9, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1960, c. 361, s. 17. Failure of board to pay salary when no written agreement

18.—(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal. Appeals from division court judgment

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)". Appeal by Minister

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his Transmission of papers to Supreme Court

hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

Stay of
proceedings

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

Direction
to the court
below

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith.

Costs

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office.

Right of
appeal

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 has the same right of appeal as in an action in the division court. R.S.O. 1960, c. 361, s. 18.

Teachers to
be qualified
R.S.O. 1960,
c. 94

19.—(1) Subject to *The Department of Education Act*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations.

Separate
school
teachers

(2) Subject to the provisions of *An Act respecting the Qualifications of Certain Teachers*, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers are subject to the same examinations and shall receive their certificates of qualification in the same manner as public school teachers.

Certificates

(3) Subject to *The Department of Education Act*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem

(4) All certificates are valid for such periods as the regulations prescribe. R.S.O. 1960, c. 361, s. 19.

Use of
unapproved
text-books

20.—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

(2) Where a teacher uses as a text-book, or negligently or ^{Idem} wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the board that operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

(3) Subject to the written approval of the board that ^{Change of text-book} operates the school, a teacher may replace any approved text-book that is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1960, c. 361, s. 20.

21. A teacher who refuses, on demand or order of the ^{Refusal to give up school property} board that operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession is not a qualified teacher until restitution is made and he also forfeits any claim that he may have against the board. R.S.O. 1960, c. 361, s. 21.

- 22.—**(1) It is the duty of a teacher, ^{Duties of teacher}
- (a) to teach diligently and faithfully the subjects in the ^{teach} course of study as prescribed by the regulations;
 - (b) to encourage the pupils in the pursuit of learning; ^{learning}
 - (c) to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues; ^{religion and morals}
 - (d) to maintain proper order and discipline in his class- ^{discipline} room and while on duty in the school and on the playground under the direction of the principal;
 - (e) to use the English language in instruction and in all ^{English} communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;
 - (f) to see that the classroom is ready for the reception of ^{classroom ready} pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon;

record attendance	(g) to record the attendance of the pupils every school day in the register supplied by the Minister and in accordance with the instructions contained therein;
timetable	(h) to conduct his class in accordance with a timetable which shall be accessible to pupils, principal and inspector;
teachers' institutes	(i) to attend regularly the teachers' institutes of the inspectorate;
absence from duty	(j) to notify the board and the inspector of his absence from school and the reason therefor; and
school property	(k) to deliver the register, the schoolhouse key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased.
Duties of principal:	(2) It is the duty of a principal, in addition to his duties as a teacher,
discipline	(a) to maintain proper order and discipline in the school;
classify pupils	(b) to register the pupils, classify them according to the courses of study prescribed, and record their progress through school;
timetable	(c) to prepare and conduct the school according to a timetable which shall be accessible to pupils, teachers and the inspectors;
examinations and reports	(d) to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct and report the progress of the pupil to his parent or guardian at least for each school term;
promote pupils	(e) subject to revision by the inspector, to make at the end of each school term such promotions from one grade to another as he may deem expedient;
unauthorized texts	(f) to prevent the use by pupils of text-books that are not authorized by the regulations or prescribed by the Minister;
reports	(g) to furnish to the Minister and to the inspector any information that it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the regulations;
care of pupils and property	(h) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and

ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds;

- (i) to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the schoolhouse, outhouses or surroundings; report to M.O.H.
- (j) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed; pupils with communicable diseases R.S.O. 1960, c. 321
- (k) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board and the inspector of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the principal to the board which has power to remove, confirm or modify the suspension; and suspend a pupil
- (l) to keep a visitors' book and make it available for visitors to sign. R.S.O. 1960, c. 361, s. 22. visitors' book

23.—(1) Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods. Organization of teachers' institutes

(2) The Minister may out of any money appropriated for that purpose apportion \$25 to each teachers' institute so organized and conducted according to the regulations where the number of teachers in an inspectorate or united inspectorate is 100 or less and, where it is more than 100, \$25 for each additional 100 or portion thereof, and the council of each county, city or separated town, or town in the territorial districts shall pay annually to the president of each teachers' institute established within such county, city or town a sum at least equal to the amount so apportioned. Aid to teachers' institutes by the Legislature and equivalent from municipalities

City and
county
sharing

(3) If the teachers in an inspectorate composed of a city and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

In territorial
districts

(4) In the territorial districts, the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. R.S.O. 1960, c. 361, s. 23.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpre-
tation

24. In this Part,

- (a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;
- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means a judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. R.S.O. 1960, c. 361, s. 24.

Termination
of employ-
ment, by
school board

25.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract.

by teacher

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract.

Application
for board

(3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

Service of
notice

(4) The applicant shall send a copy of the application by registered mail to the other party to the disagreement on the same day as the application is sent to the Minister. R.S.O. 1960, c. 361, s. 25.

26.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until, Appointment in place of teacher dismissed

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 25;
- (b) the board has received from the teacher notice in writing that no application will be made under section 25;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 25 has been withdrawn;
- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 25;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 27; or
- (f) the board has received from the Minister a direction under section 30 directing the discontinuance of the contract,

whichever first occurs.

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until, Contract after termination of engagement of teacher

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 25 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 25;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 27; or
- (d) the teacher has received from the Minister a direction under section 30 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1960, c. 361, s. 26.

Application
for Board
of Reference

27.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered mail to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

Security
for costs

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable.

Naming of
representa-
tives

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered mail within ten days of the sending of the notice by the Minister.

Failure to
name repre-
sentatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered mail to the other party to the disagreement.

Idem

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract.

Failure of
representa-
tives to
appear

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. R.S.O. 1960, c. 361, s. 27.

Place and
time of
hearing

28. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. R.S.O. 1960, c. 361, s. 28.

Duty to
inquire
and powers
of judge
R.S.O. 1960,
c. 323

29.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Meetings
in camera

(2) The meetings of the Board of Reference shall be held *in camera*. R.S.O. 1960, c. 361, s. 29.

30.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. Board of Reference to report

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered mail to the board and the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. R.S.O. 1960, c. 361, s. 30. Notice of direction

31.—(1) The direction of the Board of Reference under section 30 is binding upon the board and the teacher. Direction of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 30, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction. Failure to comply with direction of Board

(3) If a teacher fails to comply with the direction of the Board of Reference under section 30, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. R.S.O. 1960, c. 361, s. 31. Idem

32. Subject to the regulations made under section 33, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. R.S.O. 1960, c. 361, s. 32. Payment of costs

33. The Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1960, c. 361, s. 33.

PART IV

BOARDS AND TRUSTEES

Duties of
boards:

conduct
schools

appoint
secretary

meetings

reports

provide
accommoda-
tion

insure
buildings

security
of treasurer

repair
property

erect
fences

appoint
principal
and
teachers

Powers of
boards:

committees

appoint
employees

34. Every board shall,

1. ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations;
2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of an elementary school board, may be a member of the board;
3. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;
4. transmit to the Minister all reports and returns required by the regulations;
5. provide adequate accommodation during each school year for the children who have a right to attend a school under the jurisdiction of the board;
6. make provision for insuring adequately the school buildings and equipment;
7. take proper security from the treasurer or secretary-treasurer;
8. keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board;
9. erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises;
10. appoint for each school that it operates a principal and an adequate number of teachers all of whom shall be qualified according to the Acts and regulations administered by the Minister. R.S.O. 1960, c. 361, s. 34.

35. A board may,

1. appoint such committees as it may deem expedient;
2. subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient,

determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1960, c. 361, s. 35, pars. 1, 2.

- 2a. appoint a psychiatrist who is on the register of ^{psychiatrist}
specialists in psychiatry of the Royal College of ^{or}
Physicians and Surgeons of Canada or of the College ^{psychologist}
of Physicians and Surgeons of Ontario or a psycholo-
gist who is a duly qualified medical practitioner or
holds a certificate of registration under *The Psy-* ^{R.S.O. 1960,}
chologists Registration Act, who shall perform his ^{c. 316}
duties in accordance with this Act and the regula-
tions; 1960-61, c. 92, s. 2.
3. dismiss the secretary or treasurer at any time, and ^{dismiss}
thereupon shall make a new appointment to fill the ^{secretary or}
vacancy; ^{treasurer}
4. determine the number, kind, grade, description and ^{attendance}
territorial boundaries of schools to be established and ^{areas}
maintained;
5. acquire or rent school sites; ^{sites}
6. build school buildings on property owned by the ^{build}
board within its jurisdiction; ^{schools}
7. operate the playground as a park or playground and ^{playgrounds}
rink during the school term or in vacation or both, ^{parks,}
and provide and maintain such equipment as it ^{rinks}
deems advisable, and provide such supervision as it
deems proper, provided the proper conduct of the
school is not interfered with;
8. organize and carry on gymnasium classes in school ^{gymnasiums}
buildings for pupils or others during the school term
or in vacation or both, and provide supervision and
training for such classes, provided the proper conduct
of the school is not interfered with;
9. purchase milk to be consumed by the pupils in the ^{milk}
schools under the jurisdiction of the board during
school days in accordance with the terms and con-
ditions prescribed by the regulations;
10. provide for the use of pupils text-books and other ^{provide}
school supplies, and either furnish them to the pupils ^{books and}
free of charge or collect for the use thereof from their ^{supplies}
parents or guardians a sum not exceeding 25 cents per
pupil in each month of the school year to assist in
defraying the cost thereof;
11. procure registers, maps, globes, apparatus and prize ^{equipment}
books, and establish and maintain school libraries; ^{and school}
^{libraries}

provide
system for
pupil
savings

12. provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving;

medical
and
dental
inspection

13. provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board;

trustees'
fees and
travelling
expenses

14. pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees and may make grants and pay membership fees to any such association;

legal
costs

15. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board;

invest
funds

16. invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*;

R.S.O. 1960,
c. 408

accident
insurance

17. make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board;

supervisory
officers

18. appoint supervisory officers of the teaching staff for positions that are provided for in any Act or regulation administered by the Minister and every appointee shall hold the qualifications and perform the duties required in the Act or regulations;

student
fees

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times or payment thereof, and when necessary enforce payment thereof;

20. give the necessary orders on the treasurer for pay-^{order}ment of all moneys expended for school purposes ^{payment}and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board;
21. permit the school buildings and premises to be used ^{permit}for any educational or other lawful purposes that ^{use of}it deems proper, provided the proper conduct of the school is not interfered with;
22. expel, on the report of the principal, any pupil whose ^{expel}conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude ^{pupils}any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice;
23. establish and maintain cadet corps and classes in ^{cadet}military instruction and provide uniforms for such ^{corps}purposes;
24. provide for the promotion and encouragement of ^{athletics}athletics and for the holding of school games;
25. with the approval of the Minister, ^{guidance}
 - i. appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement, or
 - ii. enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement;
26. subject to the regulations, establish, conduct and ^{public}maintain free lectures open to the public and include ^{lectures}in the estimates for the current year the expense thereof;
27. establish summer schools in subjects of the course of ^{summer}study; ^{schools}
28. authorize and exercise jurisdiction over such other ^{student}school activities as pertain to the welfare of the ^{activities}pupils;

board for
courses in
conservation

29. provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he attends a school for a course in conservation or natural science with the consent of his parent or guardian and with the permission of the board;

cafeteria

30. operate a cafeteria for the use of the staff and students; R.S.O. 1960, c. 361, s. 35, pars. 3-30.

group
accident
insurance
R.S.O. 1960,
c. 190

31. provide, by contract with an insurer licensed under *The Insurance Act*, group accident insurance to indemnify a member of a board or of an advisory vocational committee appointed by a board or his estate against loss in case he is accidentally killed or injured while travelling on the business of the board or in the performance of his duties as a member of a board or of an advisory vocational committee either within or outside the area over which the board has jurisdiction;

destruction
of
documents

32. upon obtaining the written approval of the licensed municipal auditor of the board, authorize the destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven years old as of the 1st day of January of the current year, except school registers, records of pupils' standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector's rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest. 1962-63, c. 129, s. 2.

Grants to
Ontario
Curriculum
Institute

- 35a.** A board may make grants to the Ontario Curriculum Institute. 1962-63, c. 129, s. 3.

Honorarium
and mileage
allowance
for trustees

- 36.** A board of a township school area or of a high school district that comprises two or more municipalities or parts thereof may pay to a trustee,

- (a) an honorarium not exceeding \$5 for each of not more than twelve meetings attended by him in any year; and
- (b) a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going from his residence to the meetings of the board and returning to his residence. R.S.O. 1960, c. 361, s. 36.

36a.—(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator. ^{Business administrator}

(2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator. ^{Duties}

(3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators. ^{Status}
1961-62, c. 130, s. 3.

37.—(1) A board may provide transportation for its resident pupils to and from a school that the board operates or for its pupils for whom it pays fees in a school operated by another board. ^{Transportation of pupils}

(2) An elementary school board may provide transportation to a secondary school for pupils whose parents or guardians are supporters of the elementary school and who do not reside in a secondary school district. ^{Elementary to secondary}

(3) For the purposes of this section, a board may purchase a vehicle either from current revenue or from a debenture issued for that purpose. ^{Purchase of bus}

(4) For the purposes of this section, a board may make an agreement or agreements for one school year or less with a corporation, commission or person for the transportation of such pupils. ^{Agreements}

(5) Where a secondary school board provides transportation for more than thirty pupils, the board may with the approval of the Ontario Municipal Board make an agreement for a term not exceeding five years. R.S.O. 1960, c. 361, s. 37. ^{Secondary agreements}

38.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act* and the provisions of the said paragraph 59, except clause *b*, apply *mutatis mutandis*. ^{Pensions}
R.S.C. 1952, c. 132
R.S.O. 1960, cc. 190, 249

(2) In this section, "employee" does not include a teacher or inspector or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund. ^{Interpretation}

Approval of
Minister

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. R.S.O. 1960, c. 361, s. 38.

Sick leave
credits

39. A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 60 of section 377 of *The Municipal Act* and the provisions of the said paragraph 60 apply *mutatis mutandis*. R.S.O. 1960, c. 361, s. 39.

Retirement
allowances

40.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who,

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service. R.S.O. 1960, c. 361, s. 40 (1); 1960-61, c. 92, s. 3.

R.S.O. 1960,
c. 392

Interpre-
tation

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee.

Limitation
on applica-
tion of
section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1960, c. 361, s. 40 (2, 3).

Insurance,
hospitaliza-
tion, etc.
R.S.O. 1960,
cc. 190, 304

41.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

(a) group life insurance for employees or any class thereof;

- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

(2) A board may by resolution provide for contributing toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act*. Contributions re Ontario hospital care plan R.S.O. 1960, c. 176

(3) No resolution under this section authorizes contributions by the board in excess of the total of those made by the employees. R.S.O. 1960, c. 361, s. 41. Contributions

42.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct. Open meetings of school boards

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1960, c. 361, s. 42. Exclusion of persons

43.—(1) Except as otherwise provided in any Act, First meetings

- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

(1a) Notwithstanding subsection 1, on the petition of a majority of the trustees of a newly elected or appointed board, the inspector may provide for calling the first meeting of the board at some other time and date. Inspector may provide for calling first meeting

(1b) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed. When board deemed appointed
1961-62, c. 130, s. 4.

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member. Presiding officer

Election of
chairman

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings.

Where
equality
of votes

(4) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be.

Vice-
chairman

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman.

Temporary
chairman

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting.

Secretary,
treasurer

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board.

Temporary
secretary

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting.

Quorum

(9) The presence of a majority of all the members constituting the board is necessary to form a quorum, and the vote of a majority of such quorum is necessary to bind the board.

Chairman
voting;
equality
of votes

(10) The presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Subsequent
meetings

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient.

Special
meetings

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. R.S.O. 1960, c. 361, s. 43 (2-12).

Declaration

44.—(1) Except as provided in subsection 2, every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I, *A.B.*, do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at
..... in the
County or District of
.....this
..... day of
....., 19 ..

A.B.

(2) Where a person is elected or appointed to fill a vacancy ^{Idem} on a board, he shall make such declaration on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

(3) Every person elected or appointed to a board, before ^{Oath of allegiance} entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at
.....in
the County or District
of.....this
.....day of
....., 19 ..

A.B.

(4) The declaration and oath of allegiance shall be filed ^{Filing of declaration and oath} with the secretary of the board within eight days after the making or taking thereof, as the case may be. R.S.O. 1960, c. 361, s. 44.

45. Every secretary of a board shall, ^{Duties of secretary}

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;
- (b) transmit to the inspector copies of reports requested by the inspector or the Minister;

- (c) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1960, c. 361, s. 45.

Security
by officers

46.—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board.

Form of
security

R.S.O. 1960,
c. 168

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1960, c. 361, s. 46.

Duties of
treasurer

47. Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1960, c. 361, s. 47.

Inspection
of books
and accounts

48. Any person may, at all reasonable hours, inspect the minute book, the audited annual financial report and the current accounts of a board, and the secretary, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, shall furnish copies of them or extracts therefrom certified under his hand. R.S.O. 1960, c. 361, s. 48.

Trustees
disqualified
as inspectors
and teachers

49.—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member.

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed.

Inspectors
disqualified
as teachers
and trustees

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1960, c. 361, s. 49.

50.—(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise is void, and a trustee violating the provisions of this subsection *ipso facto* vacates his seat. Seat vacated by interest in contract with board

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member is not entitled to vote where his own account is in question. Newspaper proprietors, etc.

(3) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being related by blood or marriage to a person employed by the board. Relative of employee of board

(4) A trustee who is a shareholder or an officer, director or other employee of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board. R.S.O. 1960, c. 361, s. 50 (1-4). Corporation shareholders and officers

(5) Nothing in this section, Exceptions

- (a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 36;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1960, c. 361, s. 50 (5); 1961-62, c. 130, s. 5.

Declaring
seat vacant

(6) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1960, c. 361, s. 50 (6).

Seat
vacated by
conviction,
etc.

51.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the municipality in the case of an urban separate school board or within three miles of the school in the case of a rural separate school board, he *ipso facto* vacates his seat and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1960, c. 361, s. 51.

Idem

52. Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1960, c. 361, s. 52.

Failure to
take
security

53. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board

suing on behalf of himself and all other such ratepayers, in a court of competent jurisdiction, but no member is liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1960, c. 361, s. 53.

54.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board and biennial elections have been provided for members of council, the trustees shall be elected biennially in the same year as the members of council and shall hold office for two years.

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial election of trustees cease to hold office at the end of that year.

(3) Where a board has jurisdiction in more than one municipality and the election of members of council of the municipality that is responsible for conducting the nominations and elections of trustees has annual elections and one or more of the other municipalities has biennial elections for members of council, each municipality having biennial elections shall make provision for the nomination and election of trustees in the municipality for the year in which elections are not held for members of council of that municipality.

(4) Where a council is elected biennially and a new board is established after the election of council to be organized for the second year of the term of council, the council shall provide for the election of trustees to hold office for one year from the 1st day of January of such year and the election shall be held in the same manner as the election of trustees is held at municipal elections. R.S.O. 1960, c. 361, s. 54.

PART V

AUXILIARY CLASSES

55.—(1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses.

(2) Subject to the regulations, a board may establish day classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. R.S.O. 1960, c. 361, s. 55.

56.—(1) For the purposes of section 55, the board may, subject to the approval of the Minister,

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper.

Acquiring
site, etc.,
in adjoining
municipality

(2) With the approval of the Minister, a site may be acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. R.S.O. 1960, c. 361, s. 56.

Admission
only on
recom-
mendation

57.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation of a board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Chairman
and
inspector

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

Compulsory
attendance

- (3) Subject to the regulations, a resident pupil,
- (a) who is required to attend school under Part I; and
 - (b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

Non-
resident
pupils

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. R.S.O. 1960, c. 361, s. 57.

58. Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. R.S.O. 1960, c. 361, s. 58.

Supervision
of health,
etc., of
pupils

59. The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions that will be most conducive to the pupils' development. R.S.O. 1960, c. 361, s. 59.

Visiting
pupils in
their homes

60. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 61. R.S.O. 1960, c. 361, s. 60.

Transporta-
tion of
pupils

61. The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. R.S.O. 1960, c. 361, s. 61.

Raising
money for
classes

PART VI

SCHOOL SITES

62. In this Part,

Interpre-
tation

- (a) "board" means a public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of *The Secondary Schools and Boards of Education Act*; R.S.O. 1960, c. 362
- (b) "judge" means a judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. R.S.O. 1960, c. 361, s. 62.

63. A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. R.S.O. 1960, c. 361, s. 63.

Judge not
to act when
member of
board

Powers and duties to be subject to regulations

64. The powers and duties conferred and imposed upon a board by this Part are subject to the regulations. R.S.O. 1960, c. 361, s. 64.

Board may purchase or expropriate
R.S.O. 1960,
cc. 330, 368

65.—(1) Subject to the provisions of *The Public Schools Act* and *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site.

Acquiring land in adjoining township

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to be exempt from taxation

(3) Where a board of education expropriates land under subsection 2, the land is not exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1960, c. 361, s. 65.

Acquiring land outside city or town for future school sites

66.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality that the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

Assessment and taxation

(2) All land acquired under subsection 1, so long as it is held by the board, is subject to municipal assessment and taxation in the municipality in which it is situated.

Expropriation not authorized

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Building on land prohibited

(4) So long as land acquired by a board of a city or town under subsection 1 is held by the board, no school building or other permanent improvement shall be constructed on such land until the land is included within the limits of the school section under the jurisdiction of the board.

Power to dispose of sites so acquired

(5) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1960, c. 361, s. 66.

67. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1960, c. 361, s. 67.

68.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other persons, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made is valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings that may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1960, c. 361, s. 68.

69.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

(3) The sheriff and the clerk of the county court shall perform the same duties and are entitled to the same fees as in the case of a trial in the county court.

Appeal

(4) An appeal lies from the decision of the judge to the Court of Appeal. R.S.O. 1960, c. 361, s. 69.

Interest payable to owner

70. The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1960, c. 361, s. 70.

Judge may order notice to be published and mailed

71.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Contents of notice

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

Determining compensation

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1960, c. 361, s. 71.

Judge may determine claims of encumbrancers, etc.

72. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect of the land, provided that in such cases the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. R.S.O. 1960, c. 361, s. 72.

Damages caused by severance

73. Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount that will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1960, c. 361, s. 73.

Right of desistment

74.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case

pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

(2) The right of desistment shall not be exercised more than once with respect to a parcel of land. R.S.O. 1960, c. 361, s. 74. Not to be exercised more than once

75. The costs of the proceedings are in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1960, c. 361, s. 75. Cost of arbitration

76. If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and confers upon the board a good title to the land taken. R.S.O. 1960, c. 361, s. 76. Vesting order

77.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. Compensation to be paid within thirty days

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. R.S.O. 1960, c. 361, s. 77. Payment into court

78. The compensation for any land that is taken without the consent of the owner stands in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, is, as against the board, converted into a claim to or upon the compensation or to or upon a like proportion thereof and it is responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1960, c. 361, s. 78. Compensation awarded to stand in the stead of land taken

79. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act *mutatis mutandis* apply. R.S.O. 1960, c. 361, s. 79. Compensation to be determined by official arbitrator R.S.O. 1960, c. 250

PART VII

INSPECTORS

Minister to
determine
number of
inspectorates

80.—(1) The Minister shall determine the number of inspectorates in Ontario, the limits of each inspectorate and the number of provincial inspectors to be appointed.

Appointment
of provincial
inspectors

(2) Provincial inspectors shall be appointed by the Lieutenant Governor, upon the recommendation of the Minister. R.S.O. 1960, c. 361, s. 80.

Municipal
inspector

81.—(1) Where the average attendance of pupils in the public schools operated by a board in any year is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate and if the request is granted the school section shall become a municipal inspectorate on the date designated by the Minister and the board shall employ a public school inspector whose appointment or removal is not effective until approved by the Minister.

Idem

(2) Where the average attendance of pupils in the public schools operated by a board in any year is 3,000 or more, the school section shall on the 1st day of July of the following year become a municipal inspectorate and the board shall employ an adequate staff of public school inspectors whose appointment or removal is not effective until approved by the Minister.

Where 100
teachers
are
employed in
public and
secondary
schools

(3) Where the number of teachers employed in the public and secondary schools operated by a board of education becomes 100, the board may request the Minister to designate the school section as a municipal inspectorate and the board shall appoint one or more public school inspectors, one of whom shall be designated as the chief inspector and superintendent of public schools.

Where board
of education
has appointed
director
of education

(4) Where a municipal inspectorate has been established for a board of education and the board appoints a director of education who is qualified to be a public school inspector, the board shall designate him as the chief inspector of public schools and may appoint one or more public school inspectors, one of whom may be designated as superintendent of public schools.

Idem

(5) Where a municipal inspectorate has been established for a board of education and the board appoints a director of education who is not qualified to be a public school inspector, the board shall appoint a chief inspector of public schools who shall also be the superintendent of public schools.

(6) Where a high school board or board of education employs 150 or more secondary school teachers, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes and, if the request is granted, the board shall appoint one or more secondary school inspectors approved by the Minister. R.S.O. 1960, c. 361, s. 81. Secondary school inspectors

82.—(1) Where the Minister directs the appointment of an additional municipal inspector, or where a vacancy occurs in the office of municipal inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving the direction or after the vacancy occurs, and the secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered mail. Appointments to fill vacancies

(2) Where a board neglects to appoint a municipal inspector within one month after a directive from the Minister has been received, or after a vacancy has occurred, the Minister may make the appointment. Appointment by Minister on neglect of board

(3) Every appointment of a municipal inspector is subject to ratification by the Minister, and if the appointment is not so ratified within one year after the date on which the inspector assumes office, it then terminates and the board shall appoint another inspector as provided for by this Act. Ratification of appointment by Minister

(4) Where a board appoints more than one inspector, the board, with the approval of the Minister, Assignment of duties where more than one inspector, etc.

- (a) may designate one of the inspectors as chief inspector;
 - (b) shall designate a district for each inspector; and
 - (c) may assign administrative duties, in addition to those prescribed in the regulations, to the chief inspector and to each inspector as the board deems expedient.
- R.S.O. 1960, c. 351, s. 82.

83.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity. Suspension or removal of inspector by Minister

(2) A board may suspend a municipal inspector, appointed by the board, for neglect of duty, misconduct, inefficiency or physical infirmity, and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the person from office and the decision of the Minister is final. Suspension of municipal inspector by board

Direction as to payment or forfeiture of salary

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension, as he deems just.

Inspector removed not to be employed

(4) No person who has been removed from the office of inspector by the Minister shall be appointed or act as an inspector.

Qualification of city inspector

(5) A municipal inspector shall hold the qualifications prescribed by the regulations for a provincial inspector and shall be required to take such courses of training as may be required under the regulations.

Whole time to be given

(6) An inspector shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as an inspector, without the approval of the Minister.

Salaries of municipal inspectors

(7) The salary and travelling and other expenses of a municipal inspector shall be fixed by the board and are payable by the treasurer of the board. R.S.O. 1960, c. 361, s. 83.

Duties of inspectors

84.—(1) Subject to the regulations, it is the duty of an inspector,

inspire teachers and pupils

(a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;

co-operate with boards

(b) to assist and co-operate with school boards to the end that the schools may best serve the needs of the children;

visit schools

(c) to visit each school in his inspectorate during the school year and visit each classroom in operation in his inspectorate as often and for such length of time on each occasion as the Minister may direct;

prepare reports

(d) to prepare a report of each school based on the visits made during the year in the form prescribed by the Minister;

report to boards

(e) in the case of an elementary school inspector, to forward to each board in his inspectorate a copy of a report on its schools at least once a year;

annual report to Minister

(f) on request, to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister and also to the school board in the case of a municipal inspectorate;

- (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition; report to M.O.H.
- (h) to furnish the Minister with information respecting any school in his inspectorate whenever required to do so; report to the Minister
- (i) to recommend the withholding or any portion of the legislative grant, recommend withholding of grants
 - (i) where the school board has failed to operate its schools or to provide education in a school that is accessible to the pupils for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease,
 - (ii) where the board fails to transmit promptly the annual or other school returns properly completed,
 - (iii) where the board fails to comply with this Act or the regulations,
 - (iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations,

and in every case to report to the board and to the Minister his reasons for so doing;

- (j) to discharge such other duties as may be required by the Minister or the regulations; other duties
- (k) to deliver to his successor on retiring from office, his official correspondence and all school papers in his custody on the order of the Minister. transfer to successor

(2) Every inspector is directly responsible to the Minister for the performance of his duties under subsection 1. Responsibility, to Minister

(3) Every municipal inspector is also responsible to the board by which he was appointed for the administrative duties delegated to him by the board. to board

(4) Where an inspector requires the testimony of a witness as to any alleged fact in any complaint or appeal made to him or to the Minister, he may administer an oath to the witness and he has the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. R.S.O. 1960, c. 361, s. 84. Power to take evidence on oath

PART VIII

OFFENCES AND PENALTIES

False
declaration
of right
to vote

85. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 85.

Disturbances

86. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 86.

Refusal
to serve

87.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a fine of \$25.

Failure to
perform
duties

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

Acting
while dis-
qualified

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1960, c. 361, s. 87.

Failure to
transmit
minutes

88. The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 88.

Information
to auditors

89. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power that may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$25, but no member is liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1960, c. 361, s. 89.

90. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 90. False reports and registers

91. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 91. Failure to call school meeting

92.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. School maps R.S.O. 1960, c. 330

(2) If a county clerk neglects or refuses to prepare the map of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act*, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 92. Idem R.S.O. 1960, c. 362

93.—(1) A treasurer, secretary or secretary-treasurer, or a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money that came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority. Delivery up of books and money

(2) Upon application to the judge of the county or district court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him. Summons for appearance

(3) A bailiff of a division court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence. Service of summons

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of the opinion Order to account

that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Effect of
non-com-
pliance with
judge's
order

(5) In the event of non-compliance with the order, the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge
on comply-
ing with
order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy
not affected

(8) Such proceedings do not impair or affect any other remedy that the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1960, c. 361, s. 93.

Compelling
delivery of
books,
money, etc.
on dis-
solution of
school cor-
poration

94.—(1) Section 93 applies to the case of any person who has in his possession any books, paper, chattel or money that came into his possession as secretary, or treasurer, or member, or otherwise, of a board that has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 93, and that section *mutatis mutandis* applies.

Application
of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1960, c. 361, s. 94.

95.—(1) No teacher, trustee, inspector or other person^{No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.} officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

(2) Every person who contravenes subsection 1 is guilty^{Offence} of an offence and on summary conviction is liable, if he is a teacher to a fine of not more than \$50, if he is a trustee to a fine of not more than \$100, if he is an inspector to a fine of not more than \$500 and if he is any other person so officially connected to a fine of not more than \$100.

(3) Any person, firm or corporation and any agent of a^{Idem} person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(4) Any gift or payment made to a teacher, trustee,^{Gifts, etc., to be} inspector or other person so officially connected by any person,^{prima facie evidence} firm or corporation interested either as principal or agent in any such sale is *prima facie* evidence of a contravention of this section.

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent^{Consent of Attorney General to prosecution} of the Attorney General or the Deputy Attorney General.

(6) This section does not apply to sales made by a trustee^{Sale in ordinary course of business excepted} who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1960, c. 361, s. 95.

- Application (7) This section does not apply to a teacher, trustee, inspector or any other person who is the author of a book in respect of which the only compensation that he receives is a fee or royalty thereon. 1960-61, c. 92, s. 4.

PART IX

MISCELLANEOUS

- Saving **96.**—(1) Nothing in section 38 affects any pension plan established and approved by the Minister before the 6th day of April, 1954 under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*.
 R.S.O. 1950, cc. 165, 316, 356

- Idem (2) Nothing in section 39 affects any sick leave credit plan established and approved by the Minister before the 6th day of April, 1954 under section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

- Idem (3) Nothing in section 40 affects any retirement allowance granted before the 6th day of April, 1954 under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*. R.S.O. 1960, c. 361, s. 96.

- Share of licence fees for trailers to be paid to boards **97.**—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the public school board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

(2) Where the occupant of a trailer has given to the clerk ^{Idem} of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality that is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

(3) This section does not apply to trailer camps and trailer parks operated by a municipality. R.S.O. 1960, c. 361, s. 97. ^{Application to municipally-operated camps}

98.—(1) Except as provided in subsection 2, the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a public school section shall pay to the public school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. ^{Trailer fee in public school section in unorganized territory}

(2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the secretary of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within three miles of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. ^{Trailer fee re separate school in unorganized territory}

Trailer fee
in secondary
school
district in
unorganized
territory

(3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of \$2 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Notice

(4) No person is required to pay a fee under this section until he has been notified in writing by the secretary of the board concerned or the tax collector that he is liable to pay such fee and upon receipt of such notice the person shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections 1 to 3.

Content
of notice

(5) Every notice under this section shall make reference to this section and shall specify,

- (a) the amount of fees for which the person is liable on receipt of the notice;
- (b) the amount of the monthly fee to be paid thereafter;
- (c) the date by which payment is required to be made;
- (d) the place at which payment may be made; and
- (e) the fine provided under this section.

Offence

(6) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 and each day that this subsection is contravened shall be deemed to constitute a separate offence. R.S.O. 1960, c. 361, s. 98.

Arbitrators
to send copy
of award to
board, etc.
R.S.O. 1960,
cc. 330, 368,
362

99.—(1) Arbitrators acting under *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* or this Act shall send a copy of their award forthwith after the making thereof to the secretary of the school board and to the clerk of each municipality affected.

Liability of
parties for
costs

(2) Such arbitrators shall determine the liabilities of the parties concerned for the cost of the arbitration and such determination is final and conclusive.

(3) Each arbitrator, except an arbitrator under Part VI, shall be paid a fee,

- (a) in the case of the Ontario Municipal Board, as determined by the Board;
 - (b) in the case of a judge, at the rate of \$15 for each sitting of a half-day or fraction thereof;
 - (c) in the case of an arbitrator other than a school inspector, judge or member of the Ontario Municipal Board, at the rate of \$10 for each sitting of a half-day or fraction thereof.
- (4) This section does not apply to a Board of Reference or ^{Application} the members thereof.
- (5) This section applies also to assessors who meet to ^{Application} apportion costs between parts of a union school section, parts to assessors of a township school area or parts of a secondary school district. R.S.O. 1960, c. 361, s. 99.

PART X

FINANCE

100.—(1) Notwithstanding the provisions of any general ^{Current} or special Act, a board may by resolution authorize the chair- borrowings man and secretary-treasurer to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received.

(2) A board that has jurisdiction only in territory without ^{For debt} municipal organization and a separate school board may also charges borrow, in the manner provided in subsection 1, such sums as the board may deem necessary to meet debt charges payable in any year until the current revenue has been received.

(3) The amounts that may be borrowed at any one time ^{Limitation} for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings that have not been repaid, shall not exceed the unreceived or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

(4) Until such estimates are adopted, the limitations upon ^{When} borrowing prescribed in this section shall temporarily be cal- limitation culated upon the estimated revenues of the board, as set forth calculated on estimated revenue in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of
resolution
authorizing
borrowing

(5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total of any amounts borrowed under this section in the current year that have not been repaid.

Estimated
revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. 1962-63, c. 129, s. 4.

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The Secondary Schools and Boards of Education Act

Revised Statutes of Ontario, 1960
Chapter 362

as amended by
1960-61, Chapter 93; 1961-62, Chapter 131;
and 1962-63, Chapter 130

1963

TORONTO

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Secondary Schools and Boards of Education Act

R.S.O. 1960, CHAPTER 362

as amended by

1960-61, Chapter 93; 1961-62, Chapter 131;
and 1962-63, Chapter 130

1.—(1) Where reference is made in this Act to the popula- ^{Population}
tion of a county or municipality or a portion thereof, the popula-
tion shall be determined by reference to the last revised assess-
ment roll of the municipality or municipalities concerned, and
the certificate of the clerk of a municipality with respect to
such population or number is conclusive. R.S.O. 1960, c. 362,
s. 1 (1).

(2) A person is a resident pupil with respect to a secondary ^{Resident}
school district, ^{pupils}

- (a) if he resides with his parent or guardian in the
secondary school district; or
- (b) if he or his parent or guardian is assessed in the
secondary school district as an owner or for business
assessment or as an owner and for business assess-
ment for an amount at least equal to the total
assessment in the preceding year of property taxable
for secondary school purposes in the secondary school
district divided by four times the average daily
attendance of resident pupils in that year;

but a person is not a resident pupil under clause *a* if he resides
with his parent or guardian on land that is exempt from taxa-
tion for school purposes and neither he nor his parent or
guardian is assessed for and pays taxes for school purposes in
the secondary school district. R.S.O. 1960, c. 362, s. 1 (2);
1960-61, c. 93, s. 1 (1).

(3) A person is a county pupil of a county if he resides ^{County}
with his parent or guardian in that part of the county that is ^{pupils}
not within a secondary school district, but a person is not a
county pupil if he resides with his parent or guardian on land
that is exempt from taxation for school purposes and neither
he nor his parent or guardian is assessed for or pays taxes for
school purposes in a municipality in the county. 1960-61,
c. 93, s. 1 (2).

PART I

CONTINUATION SCHOOLS

- Continuation school established by one board continued **2.—**(1) A continuation school that was established under subsection 1 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. 1962-63, c. 130, s. 1, *part.*
- Board (2) A continuation school established under subsection 1 shall be under the control and management of a board composed of the members of the board by which it is established, and the board is a corporation by the name of "The Board of Trustees of the Continuation School of.....". R.S.O. 1960, c. 362, s. 2 (2).
- Continuation school established by two or more boards continued (3) A continuation school that was established by an agreement entered into under subsection 3 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. 1962-63, c. 130, s. 1, *part.*
- Agreement (4) An agreement under subsection 3 shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be levied on the property liable to assessment and taxation for the purposes of each of the boards concerned or shall provide for the manner in which such proportion shall be determined.
- Board (5) A continuation school established under subsection 3 shall be under the control and management of a board composed of such number of the members of each of the boards by which it is established, not exceeding two-thirds of the members of any such board, as the agreement provides, and the board is a corporation by the name of "The Board of Trustees of the Continuation School of....." (*inserting a name selected by the board and approved by the Minister*).
- Time for appointments (6) Each of the boards by which a continuation school is established under subsection 3 shall make its appointments to the continuation school board at its first regular meeting in each year.
- Amendment of agreement (7) An agreement under subsection 3 may be amended from time to time by further agreements among the boards concerned with respect to,

- (a) the apportionment of the cost of the establishment and maintenance of the continuation school or the manner in which the apportionment shall be determined; and
 - (b) the number of members of each of the boards concerned who shall be members of the continuation school board.
- (8) In addition to the members of the continuation school board provided for under subsection 2 or 5, County appointments to board
- (a) where the whole of a continuation school district is within one county, the council of the county may appoint one member who shall hold office for one year; and
 - (b) where the continuation school district comprises parts of two or more counties, the council of each such county may appoint one member who shall hold office for one year.
- (9) Any ratepayer of a municipality in a county who, Qualifications
- (a) resides in the county, whether or not he resides in the continuation school district;
 - (b) is a British subject;
 - (c) has attained the age of twenty-one years; and
 - (d) is not a member of a municipal council or an officer of a municipality or county or otherwise disqualified,

is qualified to be appointed as a member of the continuation school board by the council of the county. R.S.O. 1960, c. 362, s. 2 (4-9).

3.—(1) A continuation school shall not be established or maintained in any part of a high school district. Continuation school prohibited in high school district

(2) Where a high school district includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. R.S.O. 1960, c. 362, s. 3. Overlapping high and continuation district boundaries

4.—(1) Subject to section 5, all sums required for the support of a continuation school, after deducting the revenues derived from legislative grants, any county or other municipality, fees, and from all other sources, shall be provided for by levies, Taxation

- (a) where the school is established by one or more public school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections;

- (b) where the school is established by a separate school board, on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board;
- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections and on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards.

Apportion-
ment of
cost in
union school
section

(2) Where the board of a union school section establishes a continuation school by itself or by agreement with another board or boards, the council of each municipality which, or part of which, is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining the continuation school according to the equalized assessment, as provided by *The Public Schools Act*, of the part of the union school section situated in the municipality.

R.S.O. 1960,
c. 330

Estimates

(3) A continuation school board shall prepare and submit to the municipal council or councils liable under this Act, on or before the date prescribed by the council or councils, estimates for the current year of all sums required to be provided by the council or councils to meet expenditures for the continuation school and for the payment of fees of resident pupils attending secondary schools outside the continuation school district that they have the right to attend as resident pupils, and such estimates shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. R.S.O. 1960, c. 362, s. 4.

Board and
maintenance
where town-
ship school
area absorbs
continuation
school

5.—(1) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1 of section 2, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, then at the option of the township council and subject to the approval of the Minister,

- (a) the members of the township school area board shall constitute the continuation school board, and the cost of maintaining the continuation school

shall be provided by levies on the property liable to assessment for public school purposes in the township school area; or

- (b) trustees shall be elected annually for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and the continuation school board shall be composed of,

R.S.O. 1960,
c. 330

(i) where only one former school section is absorbed, three trustees, and

(ii) where two or more former school sections are absorbed, two trustees from each such former school section,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections.

(2) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 3 of section 2 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister, ^{Idem}

(a) the members of the township school area board and two members appointed by each separate school board that is a party to the agreement shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards; or

(b) trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by the separate school board or boards, and the continuation school board shall be composed of,

(i) two trustees to be elected annually from each former school section so absorbed, and

(ii) two trustees to be appointed annually from

among its members by each separate school board that is a party to the agreement,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards.

Where all
school
sections not
absorbed

R.S.O. 1960,
c. 330

(3) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, whether in conjunction with one or more separate school boards or not, trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by each separate school board that is a party to the agreement, and the continuation school board shall be composed of,

- (a) two trustees to be elected annually from each former school section so absorbed;
- (b) two trustees to be appointed annually from among its members by the board of each other school section that is a party to the agreement and is not absorbed in the township school area; and
- (c) two trustees to be appointed annually from among its members by each separate school board that is a party to the agreement.

Where
section in
which school
established
not absorbed

(4) Notwithstanding subsection 3, where the school section in which the continuation school was established by agreement under subsection 3 of section 2 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,

- (a) one trustee to be elected annually by the electors of each former school section that is a party to the agreement and is absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees;
- (b) two trustees to be appointed annually from among its members by the board of the school section that is a party to the agreement and in which the continuation school is situated;

- (c) one trustee to be appointed annually from among its members by the board of each other school section that is a party to the agreement and is not absorbed in the township school area; and
 - (d) one trustee to be appointed annually from among its members by each separate school board, if any, that is a party to the agreement.
- (5) Where the continuation school board is constituted as ^{Cost of maintenance} provided in subsection 3 or 4, the cost of maintaining the continuation school shall be provided by levies,
- (a) on the property liable to assessment for public school purposes in each school section that is a party to the agreement and is not absorbed in the township school area;
 - (b) on the property liable to assessment for public school purposes in each former school section that is a party to the agreement and is absorbed in the township school area; and
 - (c) on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of each separate school board, if any, that is a party to the agreement.
- (6) Where the township council decides that the con- ^{Elections} tinuation school board shall be composed as provided in clause *b* of subsection 1, clause *b* of subsection 2, or subsection 3 or 4,
- (a) it shall notify the secretary of the continuation school board who shall call meetings of the electors of each former school section absorbed in the township school area for the purpose of electing one or more trustees, as the case requires, from each such former school section who shall hold office for one year;
 - (b) the cost of such elections shall be borne by the continuation school board; and
 - (c) upon a trustee being elected under clause *a*, the chairman of the meeting at which the trustee was elected shall notify the secretary of the continuation school board of the name of the trustee. R.S.O. 1960, c. 362, s. 5.
- (7) Where a continuation school board has jurisdiction in a ^{Reduction in district} portion but not all of a township school area and in a portion but not all of an area under the jurisdiction of a combined separate school board, and the agreement that was entered

into by the former elementary school boards is not renewed in any year by the trustees elected or appointed by either the public school ratepayers or the separate school supporters or either group of trustees gives notice in writing to the secretary of the continuation school board before the 1st day of July in any year that it wishes to cancel the agreement, the portion of the continuation school district that it represents shall be detached as of the 31st day of December of that year, and the assets and liabilities shall be disposed of under subsection 2 of section 6, and the remaining portion of the district shall continue until altered or dissolved under this Part. 1962-63, c. 130, s. 2.

Dissolution
of continua-
tion school

6.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board, subject to subsection 4, become assets and liabilities of the board by which it was established.

Idem

(2) Subject to the approval of the Minister, the board of a continuation school established by agreement under subsection 3 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board, subject to subsection 4, become assets and liabilities of the respective boards by which it was established according to the terms of the agreement or as may be agreed upon among the boards concerned.

Idem

(3) Where the board of a continuation school ceases to operate the school but does not pass a resolution dissolving the school under subsection 1 or 2, the Minister on the report of the inspector concerned may direct the dissolution of the school as of the 31st day of December in the year in which the school is closed, and the board shall be deemed to have passed a resolution under subsection 1 or 2, as the case may be, with the approval of the Minister, dissolving the school as of that date.

Where con-
tinuation
school
district
absorbed as
part of
high school
district

(4) Where a continuation school district is absorbed into a high school district, the continuation school shall be dissolved as of the date of the absorption, and the high school board and the board or boards by which the continuation school was maintained shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of the boards and municipalities with respect to,

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board.

(5) The secretary of the high school board of the district in which the former continuation school was located shall, within thirty days of such absorption, call a meeting of the arbitrators designated under subsection 4, who shall forthwith proceed to determine the rights and obligations of the respective boards and municipalities and report their findings to the secretary of the high school board and to the Minister. R.S.O. 1960, c. 362, s. 6 (1-5). ^{Arbitration and report}

(6) The secretary of the high school board shall forthwith send by registered mail a copy of the award to the secretary of each elementary school board that established the continuation school district and to the council of each municipality in which the continuation school district was located, and any such elementary school board, the high school board or the council may, within twenty days of the receipt of a copy of the award, appeal from the award to the county judge, whose decision is final. 1961-62, c. 131, s. 1. ^{Appeal}

(7) For the purpose of this section, the members of the continuation school board in office at the date of the dissolution shall continue to function as a continuation school board until, ^{Board to continue to function}

- (a) the assets and liabilities of the board have been distributed as provided in subsection 1 or 2; or
- (b) the award of the arbitrators, or the decision of the judge on appeal therefrom, has been made under subsection 4 and the assets, liabilities and property of the board have been disposed of in accordance with the award or decision.

(8) Where a board continues to function under subsection 7, the accounts of the board are subject to audit in the same manner as before the dissolution. R.S.O. 1960, c. 362, s. 6 (7, 8). ^{Audit}

7.—(1) A continuation school board has, in respect of the continuation school, all the powers conferred on public or separate school boards as to acquiring school sites, erecting buildings and additions to buildings, and providing equipment for and paying the cost of permanent improvements and of the maintenance of such continuation schools. ^{Powers of continuation school board}

(2) Such of the provisions of *The Public Schools Act* as are applicable and are not inconsistent with this Part shall be read as part of this Part. R.S.O. 1960, c. 362, s. 7. ^{Application of R.S.O. 1960, c. 330}

PART II

HIGH SCHOOLS

Minimum
size of
districts

8.—(1) No high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island or in a territorial district.

County
school
maps

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

By-laws
establishing
or altering
districts

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than thirty days after the passing of the by-law, to,

- (a) the Minister;
- (b) the secretary of the board of the new district or of the district of which the boundaries are altered; and
- (c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered. R.S.O. 1960, c. 362, s. 8.

Existing
districts
confirmed

9. Whenever a high school district has existed in fact for three months or more before the 1st day of May, 1954, and whether it has been formed in accordance with the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if the district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that the district has not been legally formed. R.S.O. 1960, c. 362, s. 9.

Interpre-
tation

10. In sections 8 and 11 to 15, "adjoining" means touching at any point, and,

- (a) where more than two counties are concerned, they shall be deemed to be adjoining if each county adjoins one of the other counties; and
- (b) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district. R.S.O. 1960, c. 362, s. 10.

11.—(1) Subject to subsection 2, every city and separated town is a high school district. Cities and separated towns to be districts

(2) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law discontinue its high school district, and, Discontinuance of district

- (a) provide for the inclusion of the city or separated town in a new high school district; or
- (b) provide for the addition of the city or separated town to an existing high school district. R.S.O. 1960, c. 362, s. 11 (1, 2).

(3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town, or adjoining the high school district of which the city or separated town forms a part, be added to the high school district of the city or separated town or to the high school district of which it forms a part, as the case may be. 1962-63, c. 130, s. 3. Increasing district

12.—(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts. Establishment and discontinuance of districts

Village with
two con-
tinuation
schools may
be included
in district

(2) Where two continuation schools have been established in a village, the council of the county in which the village is situated may include the village in a high school district, and, notwithstanding the provisions of section 3, may by by-law provide that the property liable to assessment and taxation for the purposes of one of the continuation schools in any year may continue to be assessed and taxed for the purposes of a continuation school and excluded from assessment and taxation for high school purposes in such year.

In terri-
torial
districts

(3) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district.

In
unorganized
territory

(4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

On exempt
land

(5) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the Crown in right of Canada or Ontario, or an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a high school district, and may appoint as members of the board such persons as he may deem proper, and the board so appointed is a corporation by the name indicated in the order establishing the high school district, and has all the authority of a board of high school trustees for the purposes of this Act.

First meet-
ing of new
board

(6) The clerk of the municipality shall call the first meeting of a new board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district shall call the first meeting. R.S.O. 1960, c. 362, s. 12.

Enlargement
of districts

13.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situated within the county or counties and adjoining the high school district shall be added to the high school district.

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities.

(3) Notwithstanding subsection 2, the council of a town in a territorial district in which town a high school district has been established, and the council of an adjoining municipality that has a population of 2,000 or more in which a high school district has not been established, shall, upon the request of the council of either the town or the municipality, pass by-laws providing that the adjoining municipality shall be added to the high school district of the town that it adjoins. R.S.O. 1960, c. 362, s. 13.

14. Where a high school district is enlarged, the assets of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1960, c. 362, s. 14.

15.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties that has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality that forms part thereof and shall add the municipality or part to another high school district or establish a new high school district including the municipality or part that has been detached.

(2) Subject to the approval of the Minister, where a high school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as enlarged by the proposed addition or in the proposed new high school district. R.S.O. 1960, c. 362, s. 15 (1, 2).

(3) Where a municipality or part of a municipality is detached from a high school district that is wholly within a county, the county council shall appoint one arbitrator, who, with the county judge and a secondary school inspector

appointed by the Minister, shall value and adjust, in an equitable manner, the assets and liabilities of the board of the high school district that exist on the date that the detachment is effective and determine the amount of money to be paid by a board or municipality to any other board or municipality and the manner in which the payment shall, in each case, be made.

Idem

(4) Where the high school district includes any combination of part or all of one or more counties and one or more cities or separated towns, the council of each county, city or separated town shall appoint an arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall be arbitrators for the purposes of subsection 3.

Idem

(5) Where the high school district includes municipalities or parts of municipalities in the territorial districts or territory without municipal organization, the council of each municipality and the school board on behalf of the territory without municipal organization shall each appoint an arbitrator, who, with the district judge and a secondary school inspector appointed by the Minister, shall be the arbitrators for the purposes of subsection 3.

Payment of liability

(6) Where the award of the arbitrators directs the payment of a sum of money, the corporation that is liable may make the payment from current funds or, without the assent of the electors, may issue debentures for the amount of the liability in the manner provided in *The Municipal Act*.

R.S.O. 1960, c. 249

Arbitrators

(7) An arbitrator appointed by a council or school board shall not be a resident or a ratepayer of any high school district concerned or a member of the municipal council or school board concerned. 1960-61, c. 93, s. 2.

Conditions re by-laws

16.—(1) No by-law,

- (a) passed under subsection 1 of section 12 establishing a new high school district, by which a city or separated town is included in the high school district; or
- (b) passed under subsection 1 of section 13 adding a city or separated town to an existing high school district,

is effectual unless the council of the city or separated town passes a by-law under subsection 2 of section 11. R.S.O. 1960, c. 362, s. 16 (1).

Idem

(2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town, or adjoining the high school district of which the city or separated town forms a part, to

the high school district of the city or separated town, or to the high school district of which the city or separated town forms a part, is effectual unless the council of the county or the councils of the counties, in which the municipality or municipalities comprising the high school district and the municipality or municipalities to be added to the high school district are situated, pass a by-law or by-laws under subsection 1 of section 12 or subsection 1 of section 13. 1962-63, c. 130, s. 4.

17. No by-law discontinuing, or detaching the whole or any part of a municipality from, a high school district that includes a city or separated town is effectual unless it is approved by a by-law passed before the 1st day of July in the same year by the council of each city and separated town in the high school district. R.S.O. 1960, c. 362, s. 17.

18. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district or are included in an enlarged high school district, the assets of the board of the discontinued district forthwith vest in and the liabilities thereof forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided by the by-law or by-laws discontinuing the high school district or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1960, c. 362, s. 18.

19. Where a high school district is discontinued, enlarged or decreased, the members of the board in office at the date of the discontinuance, enlargement or decrease shall continue to function as a high school board for the purpose of the disposition of assets and liabilities until such assets and liabilities have been disposed of as provided by the by-law or by-laws discontinuing, enlarging or decreasing the district or by a subsequent by-law or by-laws passed with the approval of the Minister, and the accounts of the board are subject to audit in the same manner as before the discontinuance, enlargement or decrease. R.S.O. 1960, c. 362, s. 19.

20. A by-law under section 11, 12, 13 or 15 shall be passed on or before the 1st day of July in any year, and shall take effect on the first day of January next following its passing unless otherwise provided therein. R.S.O. 1960, c. 362, s. 20.

21.—(1) Subject to subsection 2, a person is qualified to be appointed as a trustee of a high school board,

- (a) who is a Canadian citizen;
- (b) who is of the full age of twenty-one years;
- (c) who is a resident in the high school district or within

five miles of the boundaries thereof; and

(d) who is a ratepayer of the high school district.

dis-
qualification

(2) A person is not qualified to be appointed as a trustee of a high school board,

- (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be;
- (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the high school district;
- (c) who is otherwise disqualified under this or any other Act; or
- (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of appointment.

Qualification
to act as
trustee

(3) A person is qualified to act as a trustee during the term for which he was appointed so long as he continues to have the qualifications mentioned in subsection 1 or 5, as the case may be, and does not become disqualified under clauses *a* to *d* of subsection 2.

Persons
deemed
ratepayers

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1:

- (a) a person whose name is entered on the last revised assessment roll;
- (b) the husband or wife of a person assessed as actual owner or tenant of land in the high school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the high school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a

farm in the high school district if he or she resides on the farm with the assessed owner.

(5) Notwithstanding clauses *c* and *d* of subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under this section is qualified to be appointed as a trustee by the county council. County appointees

(6) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. 1962-63, c. 130, s. 5. Interpretation

(NOTE. — *Section 21 above comes into force on the 1st day of January, 1964.*)

22.—(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district, Appointment of trustees by municipalities

(a) where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year;

(b) where the district comprises two municipalities,

(i) the council of a municipality having a population within the district of 3,000 or more shall appoint three trustees, and

(ii) the council of a municipality having a population within the district of less than 3,000 shall appoint two trustees,

one of whom in each case shall retire each year;

(c) where the district comprises more than two municipalities,

(i) the council of a municipality having a population within the district of 6,000 or more shall appoint three trustees, one of whom shall retire each year,

(ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 shall appoint two trustees, one of whom shall retire each year, and

(iii) the council of a municipality having a population within the district of less than 3,000 shall appoint one trustee who shall hold office for two years.

Where city
or separated
town in-
cluded in
district

(2) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year, or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

Interpre-
tation

(3) A part of a municipality that is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2.

District
composed of
city or
separated
town

(4) Where a high school district comprises only a city or separated town, the council of the city or separated town shall appoint six trustees, two of whom shall retire each year.

Order of
retirement

(5) The council that has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1960, c. 362, s. 22.

County
appoint-
ments

23.—(1) Where the whole of a high school district is within one county, the council of the county may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year.

Idem

(2) Where a high school district comprises two or more counties or parts thereof,

(a) the council of the county having the largest population within the district may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year; and

(b) the council of any other county within or partly within the district may, at the request of the board, appoint one trustee who shall hold office for one year.

Retirement

(3) Upon the appointment of three trustees by a county council, the council shall provide for the order of their retirement, and upon the withdrawal of a request for the appointment of three trustees, the council shall determine which one of the three trustees appointed by it, other than the one whose term of office expires at the end of the year in which the request is withdrawn, shall remain in office for the succeeding year. R.S.O. 1960, c. 362, s. 23.

24.—(1) Where one separate school board operates a ^{Separate school appoint-ments} separate school situated in a high school district, the separate school board may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year.

(2) Where two or more separate school boards operate ^{Idem} separate schools situated in a high school district, the separate school board having the highest average attendance of pupils below grade 9 for the preceding year, as certified by the separate school inspector, may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1960, c. 362, s. 24.

25.—(1) Where one public school board operates a public ^{Public school appoint-ments} school situated in a high school district, the public school board may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

(2) Where two or more public school boards operate public ^{Idem} schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district, as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

(3) In the case of the first board of a new high school district, ^{Special case} in lieu of the appointment under subsection 2, where,

- (a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and
- (b) the average attendance of pupils below grade 9 for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,

the board of education may appoint to the high school board one trustee who shall not be a member of the board of education and who shall hold office for one year. R.S.O. 1960, c. 362, s. 25.

26.—(1) Where a high school district is established under subsection 4 of section 12, the Lieutenant Governor in Council ^{Board in unorganized territory} may provide for the formation of a board.

Powers
and
duties

(2) The board may borrow money as provided in section 37 and shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

Apportion-
ment of
costs

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

Assessment

(4) The assessor and tax collector appointed by the board for the territory without municipal organization have the same powers as an assessor and tax collector in a municipality.

Rates for
first year
to be levied
on current
assessment

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year. R.S.O. 1960, c. 362, s. 26.

Return of
arrears of
taxes in
unorganized
territory

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payment of
arrears
thereafter

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid to
sheriff

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

Sale of
land for
arrears

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate

by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. 1960-61, c. 93, s. 3.

(11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a high school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the high school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board. 1962-63, c. 130, s. 6.

Where tax
arrears
procedures
of R.S.O.
1960, c. 98,
in effect

27.—(1) Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments.

Trustees
where
district
enlarged

(2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee. R.S.O. 1960, c. 362, s. 27.

Where
district
decreased

28.—(1) Where a high school district comprises one municipality, the trustees are a corporation by the name of "The High School Board of the of" or "The Collegiate Institute Board of the of" (*inserting the classification and name of the municipality*).

Corpora-
tion
name

(2) Where a high school district comprises more than one municipality, the trustees are a corporation by the name of "The District High School Board" or "The District Collegiate Institute Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1960, c. 362, s. 28.

Idem

29.—(1) High school trustees shall hold office until their successors are appointed and a new board is organized.

Term of
office

Time for
appoint-
ments of
trustees

(2) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the calendar year before the board is to be organized and the trustees shall take office on the 1st day of January in the following year.

Idem

(3) Vacancies arising from the annual retirement of trustees shall be filled at the last regular meeting of the appointing body in the calendar year and the trustees shall take office on the 1st day of January in the following year.

Idem

(4) Where an appointing body fails to appoint a trustee as provided in subsection 2 or 3, it shall make the appointment at its next regular meeting.

Vacancies

(5) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Resignation

(6) A trustee may resign by giving written notice thereof to the secretary of the board. R.S.O. 1960, c. 362, s. 29.

Establish-
ment and
maintenance
of schools

30.—(1) Every high school board shall provide adequate accommodation for its pupils and shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional high or vocational schools as the board may deem necessary and, subject to section 31, may provide for the location, erection, maintenance and management of the schools so established.

Exceptions

(2) Notwithstanding subsection 1, the board of a high school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils.

Where no
school
maintained

(3) If the board of a high school district in a county fails to operate a school for a period of two years and has not entered into an agreement under subsection 2, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts. R.S.O. 1960, c. 362, s. 30.

Debentures
for perman-
ent improve-
ments

31.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest

thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district.

(2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the high school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, in the manner provided by *The Municipal Act* in the case of a money by-law.

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

(7) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situated shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act*, but without submitting the by-law to the electors.

(8) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of
debentures

(9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

R.S.O. 1960,
c. 249

Interpre-
tation

(10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 9.

Cost of
borrowing
advance to
board before
sale of
debenture

(11) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. R.S.O. 1960, c. 362, s. 31.

Request for
county to
issue
debentures

32.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 31 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 35 apply except that each municipality shall pay its proportion to the county council.

Considera-
tion by
county
council

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 31 apply.

Where
county must
comply

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures. R.S.O. 1960, c. 362, s. 32.

Payment
to school
boards

33.—(1) Where a municipality or county has raised money for the purposes of a high school board by the issue and sale of debentures, or by the hypothecation of debentures or

temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

(2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. 1962-63, c. 130, s. 7. Expenses re issuing debentures

34.—(1) Every high school board shall prepare and submit to each municipal council liable under this Act, on or before such times as the council prescribes, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils attending secondary schools outside the high school district that they have the right to attend as resident pupils, and such estimates, Estimates

- (a) shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources; and
- (b) may include such additional sum as may be deemed expedient for permanent improvements to be made during the year,

but the board of a high school district that includes a municipality that is subject to Part III of *The Department of Municipal Affairs Act*, or a part thereof, and that is unable to obtain the approval of the Ontario Municipal Board to the issue of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned. R.S.O. 1960, c. 362, s. 34 (1). R.S.O. 1960, c. 98

(2) The council or councils of the municipality or municipalities which or part of which is or are included in a high school district shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for, Rates for current purposes

- (a) maintenance of the school or schools under the jurisdiction of the board;

- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and
- (c) expenditures for permanent improvements out of current funds not exceeding a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements,

and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt. R.S.O. 1960, c. 362, s. 34 (2); 1961-62, c. 131, s. 3.

Proportion-
ate liability
for debenture
debt

35.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

Idem

(2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

Idem

(3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and

pay its proportion to the municipality that has issued the debentures.

(4) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Time for payments

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3 and may issue its own debentures therefor, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be. Assumption of larger proportion

(6) Subject to subsection 12, where the council of one of the municipalities is of the opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year. Request for arbitration

(7) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear. Arbitrators

(8) For the purpose of subsection 7, where there is more than one assessor in any municipality, the council thereof shall name one of them to be the arbitrator for the municipality. Designation of assessor

(9) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who Notification of decision

shall forthwith send a copy of the decision to the clerk of each municipality by registered mail.

Reference to
Municipal
Board where
decision
objected to

(10) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision is final.

Considera-
tions in
determining
liability

(11) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability.

Effect of
decision

(12) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators.

Equalized
assessment

(13) For the purposes of this section, "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

Municipality
may assume
full cost of
permanent
improve-
ments

(14) Nothing in section 31 or in this section prevents the municipality in which the high school is situated from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1960, c. 362, s. 35.

Proportion
of liability
in high
school
districts
that include
unorganized
territory

36.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the assessors of the municipalities and the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization.

(2) Subsections 9 to 14 of section 35 apply *mutatis mutandis* to an arbitration under this section.

Application
of sub-
sections 9-14
of section 35

(3) Five ratepayers of the territory without municipal organization representing the ratepayers of the territory without municipal organization may file a written objection to the decision of the arbitrators under subsection 10 of section 35.

Reference to
Municipal
Board on
objection of
ratepayers
of
unorganized
territory

37. The board of a high school district that comprises two or more municipalities or parts thereof may, if necessary to provide for the payment of current operating costs, borrow on the promissory note of the board under its corporate seal, at interest not exceeding 8 per cent per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received. R.S.O. 1960, c. 362, s. 37.

Borrowing
power

38.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or that may hereafter be so granted, devised, acquired or vested is vested in the board having jurisdiction in such locality.

High school
property
vested in
trustees

(2) Subject to the approval of the Minister, the board has power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.

Power to
sell, lease,
etc.

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds.

Notice to
Minister

R.S.O. 1960, c. 362, s. 38.

PART III

VOCATIONAL SCHOOLS

39. In this Part, "board" means a high school board or board of education. R.S.O. 1960, c. 362, s. 39.

Interpre-
tation

40.—(1) Subject to the approval of the Minister, a board may establish and maintain a vocational school.

Establish-
ment of
vocational
schools

(2) Subject to the approval of the Minister, a vocational school under this Part may provide,

Courses
of study

- (a) full-time day courses of study;
- (b) part-time day courses of study;
- (c) evening courses of study.

Special
vocational
schools and
classes

(3) A board that has established a vocational school may establish special vocational schools or classes for the purpose of providing vocational education for pupils of thirteen years of age and over who have been in attendance in auxiliary classes or who are eligible for admission to such classes. R.S.O. 1960, c. 362, s. 40.

Admission
of pupils,
to pre-
vocational
school
courses

41.—(1) Upon the recommendation of the vocational school principal and with the approval of the advisory committee, pupils who have successfully completed grade 7 at an elementary school may be admitted to any pre-vocational school course of study at a vocational school.

to special
vocational
schools and
classes

(2) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special vocational schools or classes.

Idem

(3) Subject to the regulations, a resident pupil,

R.S.O. 1960,
c. 361

- (a) who is required to attend school under *The Schools Administration Act*; and
- (b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,

may be required by the school board to attend any such special vocational school or class.

Admission
of adults

(4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,

- (a) to a special full-time day course of study;
- (b) to a part-time day course of study; or
- (c) to an evening course of study.

Transfer
from pre-
vocational
courses

(5) Where a pupil has,

- (a) attended pre-vocational school classes in a vocational school for at least one year; and
- (b) made progress in his course of study satisfactory to the principal,

he may, with the approval of the principal, transfer to any other course of study in the vocational school. R.S.O. 1960, c. 362, s. 41.

42.—(1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of an advisory vocational committee appointed by the board. R.S.O. 1960, c. 362, s. 42 (1).

(2) The committee shall consist of five, eight or twelve members as the board may determine.

(3) Where the committee is to consist of five members, it shall be composed of,

- (a) the chairman and two trustees;
- (b) one person, not a member of the board, who is an employee in manufacturing, agricultural, commercial or other industry carried on in the high school district; and
- (c) one person, not a member of the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry carried on in the high school district.

(4) Where the committee is to consist of eight members, it shall be composed of,

- (a) the chairman and three trustees;
- (b) two persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) two persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

(5) Where the committee is to consist of twelve members, it shall be composed of,

- (a) the chairman and five trustees;
- (b) three persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) three persons, not members of the board, who are employers of labour or directors of companies em-

ploying labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

Where school under technical and vocational training agreement

(6) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one high school district on the understanding that it will serve two or more high school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned.

Honorarium and expenses

(7) A member appointed to represent employees or employers on the committee is entitled to receive the same honorarium and travelling expenses as a member of the board is entitled to receive as a trustee for secondary school purposes. 1961-62, c. 131, s. 4.

Appointment of members

43.—(1) The first members of the advisory vocational committee shall be appointed at the meeting of the board at which a school is established for which the committee is to be appointed.

Tenure of office

(2) The members of the committee who are members of the board shall hold office until the expiry of the period for which they were elected or appointed to the board.

Idem

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Vacancies

(4) The board, at its first meeting in each year after the establishment of the school, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Idem

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum

(6) The presence of a majority of the members constituting a committee is a quorum at any meeting, and a vote of the majority of the quorum is necessary to bind a committee.

Chairman voting

(7) On every question, other than the election of a chairman, the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1960, c. 362, s. 43.

44.—(1) The advisory vocational committee may, in any year at a meeting that has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it may deem necessary.

(2) In the appointment of co-opted members, an equal number of persons shall be appointed from each of the classes mentioned in clauses *b* and *c* of subsection 3 of section 42 or in clauses *b* and *c* of subsection 4 of section 42, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes.

(3) Co-opted members shall hold office for the calendar year in which they are appointed. R.S.O. 1960, c. 362, s. 44.

45. The members of the advisory vocational committee, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or schools under the charge of the committee. R.S.O. 1960, c. 362, s. 45.

46.—(1) Subject to the approval of the Minister and the board, the advisory vocational committee may provide a suitable site and building and suitable equipment or arrange for conducting a school in an elementary or secondary school building or other building in the high school district, and define courses of study.

(2) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school under its management and control.

(3) The board shall not refuse its approval of any report of the committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which the report is referred by the chairman of the committee or by another member of the committee appointed for that purpose.

(4) The secretary and other officers of the board shall be the officers of the committee.

Co-ordinat-
ing officers

(5) Subject to the approval of the Minister and the board, the committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools, and to make the necessary arrangements among employers, employees and the schools for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer or officers between the local industries and the schools, and every person so appointed is subject to the control of the committee.

Vocational
guidance
officers

(6) Subject to the approval of the Minister and the board, the committee may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the committee as will enable them to plan intelligently for their vocational and educational advancement, and every person so appointed is subject to the control of the committee. R.S.O. 1960, c. 362, s. 46.

Estimates

47.—(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year.

Provision
of moneys

(2) Subject to the regulations, the cost of establishing, equipping and maintaining vocational schools, and the cost of permanent improvements thereof, shall be provided for in the same manner as in the case of high schools. R.S.O. 1960, c. 362, s. 47.

Application
of Pts. II,
IV, V and
R.S.O. 1960,
c. 361

48. Where not inconsistent with this Part, Parts II, IV and V and *The Schools Administration Act* apply in all matters concerning the operation and management of a vocational school, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational school, and in any other matters whatsoever. R.S.O. 1960, c. 362, s. 48.

PART IV

BOARDS OF EDUCATION

Interpre-
tation

49. In this Part, "board of education" means a board of education established under section 51. R.S.O. 1960, c. 362, s. 49; 1962-63, c. 130, s. 8.

50.—(1) A board of education may be established in a high school district to perform the duties of a high school board for the district and the duties of a public school board for the public school section or sections situated within the boundaries of the district, and where a board of education is established,

Establishment and status of board

- (a) for high school purposes, it shall be deemed to be a high school board for the purposes of this and every other Act; and
- (b) for public school purposes, it shall be deemed to be a public school board for the purposes of this and every other Act,

except where inconsistent with this Part.

(2) Every board of education is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon a public school board or a high school board.

Powers and duties of board

(3) The name of a board of education that has jurisdiction in one municipality is "The Board of Education for the of....." (*inserting the name of the municipality*).

Name of board

(4) The name of a board of education that has jurisdiction in more than one municipality is "The.....District Board of Education" (*inserting a name selected by the board and approved by the Minister*).

Idem

(5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes. R.S.O. 1960, c. 362, s. 50.

Members to be trustees

51.—(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

Board in district comprising one municipality

(2) Subject to the approval of the Minister first being obtained, where a high school district that includes two or more municipalities or parts thereof comprises the same area as one or more units of public school administration, the

Board in district comprising more than one municipality

council of the county or the councils of the counties in which the high school district has been established shall, on or before the 1st day of July in any year, upon the receipt of a resolution from the council of each of the municipalities within the district declaring that it is expedient to form a board of education for the district, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

Board in territorial district

(3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

Board in unorganized territory or on exempt lands

(4) Where a high school district has been established under subsection 4 or 5 of section 12, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

By-law although district not in effect

(5) A by-law establishing a board of education may be passed notwithstanding that a union board of education exists for the district, or notwithstanding that the by-law or by-laws establishing the high school district have not come into effect in which case no high school board shall be organized. R.S.O. 1960, c. 362, s. 51.

Assets, liabilities, etc.

52 .—(1) Upon the organization of a board of education,

- (a) the high school board and all public school boards in the high school district are dissolved and where a union board of education exists for the district, it is dissolved;
- (b) all the property vested in such boards becomes vested in the board of education;
- (c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education.

Levies, etc., for board

(2) Where a board of education is established,

- (a) the cost of operating the public and secondary schools under the jurisdiction of the board shall be apportioned among the municipalities within the district and shall be levied and collected *mutatis mutandis* in the manner provided in subsection 2 of section 34;
- (b) the issue of debentures for both public and secondary school purposes and the apportionment among the municipalities within the district and the levy and collection for payments under the debentures shall be governed *mutatis mutandis* by sections 31, 32 and 35,

except that levies for public school purposes shall be made only on property rateable therefor. R.S.O. 1960, c. 362, s. 52.

53. A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. R.S.O. 1960, c. 362, s. 53.

54.—(1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of *The Public Schools Act* with respect to the number of trustees and manner of election of trustees of public school boards in urban municipalities apply *mutatis mutandis*.

(2) In addition to the members elected under subsection 1,

- (a) in a city having a population of 50,000 or more, the separate school board of the city shall appoint two members; and
- (b) in any other municipality, the separate school board of the municipality shall appoint one member,

in the same manner and under the same conditions as if the board of education were a high school board.

(3) In addition to the members elected under subsection 1, an additional member or members may be appointed by a county council or councils in the same manner and under the same conditions as if the board of education were a high school board.

Where no
separate
school
board

(4) Where there is no separate school board of the municipality, the board shall be composed of the elected members as provided in subsection 1 and the appointed members, if any, as provided in subsection 3. R.S.O. 1960, c. 362, s. 54.

Board for
two municipi-
palities

55.—(1) Where a board of education is established for two municipalities, a municipality having a population within the high school district,

- (a) of less than 1,000 shall elect two members;
- (b) of 1,000 or more but less than 3,000 shall elect three members;
- (c) of 3,000 or more but less than 6,000 shall elect four members; and
- (d) of 6,000 or more shall elect five members.

Board for
more than
two municipi-
palities

(2) Where a board of education is established for three or more municipalities, a municipality having a population within the high school district,

- (a) of less than 1,000 shall elect one member;
- (b) of 1,000 or more but less than 3,000 shall elect two members;
- (c) of 3,000 or more but less than 6,000 shall elect three members;
- (d) of 6,000 or more but less than 10,000 shall elect four members; and
- (e) of 10,000 or more shall elect five members.

Interpre-
tation

(3) A part of a municipality that is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2.

County and
separate
school
appoint-
ments

(4) In addition to the members elected under subsection 1 or 2, an additional member or members may be appointed by a county council or councils and an additional member by a separate school board in the same manner and under the same conditions as if the board of education were a high school board. R.S.O. 1960, c. 362, s. 55.

Mode of
election

56.—(1) The members of a board of education to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve, and, save as otherwise provided, all the provisions

of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot apply to the election. R.S.O. 1960, c. 330

(2) Notwithstanding the residence qualification prescribed in *The Public Schools Act*, a person who is a ratepayer of a municipality which, or any part of which, is included in the high school district, and who is assessed in the district and who resides in the district or within five miles of the boundaries thereof is, unless otherwise disqualified, qualified to be a member of the board of education of the district. Residence qualification

(3) The first election shall take place at the time of holding the municipal elections in the year in which the by-law or by-laws establishing the board of education is or are passed, but nothing in this section affects any board having jurisdiction over any public school, high school or vocational school during the year in which such by-law is passed. First election of members of board

(4) Every person qualified to vote is entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate. Number of votes for candidates

(5) At the first election the full number of elective members shall be elected. First election

(6) Where a municipality elects more than one member, one-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized. Terms of office of first members

(7) Subject to subsection 8, where a municipality elects only one member, he shall continue in office for two years and until his successor is elected and a new board is organized. Where one member elected

(8) Where two or more municipalities each elect only one member, the sequence of retirement of those members shall be determined by lot to be cast by the secretary at the first meeting of the board, and one-half of such members where the number of such members is an even number and the next number higher than one-half where the number of such members is an odd number, shall continue in office for two years and until their successors are elected and a new board is organized, and the remainder of those members shall continue in office for one year and until their successors are elected and a new board is organized. Where several municipalities elect one member

Retirement
where
members
have equal
votes

(9) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected is elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lot to be cast by the secretary in the presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent
elections

(10) At each annual election after the first, a sufficient number of members shall be elected for two years to fill the places of the members retiring.

Retiring
members
eligible for
re-election

(11) The members retiring at the expiration of the terms for which they were respectively elected or appointed are eligible for re-election or re-appointment if otherwise qualified.

Appointment
by separate
school board

(12) The appointment of a member or members by a separate school board shall be made at the last regular meeting thereof in the year before the first meeting of the board of education is to be held and at its last regular meeting in every second year thereafter, and any member so appointed shall hold office for two years and until his successor is appointed.

Members of
appointing
body not
eligible

(13) No member of a body having the right to appoint a member of a board of education is eligible for appointment or election as a member of the board.

Additional
representation

(14) When by reason of increased population additional representation on a board of education becomes necessary, the appointment shall be made or the election shall take place of the additional members at the regular time for the next ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with subsection 6. R.S.O. 1960, c. 362, s. 56.

Restrictions
on appointed
members

57.—(1) A member of a board of education who is appointed by a county council or by a separate school board shall not vote on a motion that affects public schools exclusively. 1960-61, c. 93, s. 4.

Failure to
appoint

(2) A board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members that it has the right to appoint.

Vacancies
in office of
appointed
members

(3) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

(4) When an appointing body fails to appoint a member ^{Idem} at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. R.S.O. 1960, c. 362, s. 57 (2-4).

58. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality. R.S.O. 1960, c. 362, s. 58. ^{Vacancy in office of elected member}

59. Subject to subsection 2 of section 56, the provisions of *The Public Schools Act* and of Part II respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, apply to all boards of education. R.S.O. 1960, c. 362, s. 59. ^{Disqualification R.S.O. 1960, c. 330}

60. Sections 29, 30, 31 and 32 of *The Public Schools Act* apply *mutatis mutandis* to the elective members of a board of education that has jurisdiction in only one municipality. R.S.O. 1960, c. 362, s. 60. ^{Number and election of elective members of board of education for one municipality}

61.—(1) Where a board of education has jurisdiction in only one municipality, and at a meeting of a board of education specially called for that purpose a majority of the members of the board vote in favour of the dissolution of the board, a copy of the resolution shall be submitted forthwith to the municipal council with the request that the question "Are you in favour of dissolution of the board of education?" be submitted to a vote of the electors of the municipality. ^{Dissolution of board, question submitted to electors}

(2) The council shall at the next municipal election submit the question to a vote of the electors, and if the question is answered in the affirmative by a majority of the electors voting thereon, the board of education is dissolved on the 31st day of December of the year in which the vote is taken. ^{Board dissolved upon affirmative vote}

(3) Upon the dissolution of the board of education, a high school board and a public school board shall be established in the municipality, and the provisions of Part II and *The Public Schools Act* apply with respect to the appointment of high school trustees and the election of public school trustees respectively. ^{High school and public school board established R.S.O. 1960, c. 330}

(4) Upon the dissolution of the board of education, all property held or possessed by the board for high school purposes vests in the high school board and all property held ^{Disposition of assets and liabilities}

or possessed by the board for public school purposes vests in the public school board, and all debts, contracts, agreements and liabilities for which the board of education was liable become obligations of the high school board or the public school board, as the case may be.

In the
event of
dispute

(5) In the event of a dispute as to the division of the property and liabilities of the board of education, the division shall be made by the municipal council, whose decision is final.

Board of
education
dissolved
upon
enlargement
or dissolu-
tion of
high school
district

(6) Where a board of education has jurisdiction in only one municipality and the high school district is dissolved or enlarged to include other municipalities, the board of education is *ipso facto* dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3, and subsections 4 and 5 apply. R.S.O. 1960, c. 362, s. 61.

62. REPEALED: 1962-63, c. 130, s. 9.

Special and
advanced
courses of
study in
high schools

63.—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister, may,

- (a) make such modifications of the school courses provided in the high, industrial, technical and art schools under its jurisdiction as it deems expedient;
- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

Application
of regula-
tions

(2) The accommodations and equipment of the school and the qualifications of the staff are subject to the regulations. R.S.O. 1960, c. 362, s. 63 (1, 2).

(3) REPEALED: 1960-61, c. 93, s. 5.

Director
of
education

(4) A board of education of a city, or any other board of education that employs at least 100 teachers in the public and secondary schools under its jurisdiction, may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-
ment,
suspension
and removal
of director
R.S.O. 1960,
c. 361

(5) The provisions of *The Schools Administration Act* with respect to the appointment, suspension and removal of an inspector apply *mutatis mutandis* to the appointment, suspension and removal of a director of education. R.S.O. 1960, c. 362, s. 63 (4, 5).

64. The provisions of *The Public Schools Act* and Parts II and III that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education or union boards of education. R.S.O. 1960, c. 362, s. 64. ^{Application of R.S.O. 1960, c. 330}

PART V

GENERAL

65.—(1) In a county, the board of a high school district that consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to, ^{Declaring schools open}

- (a) county pupils of the county in which the district is situated;
- (b) county pupils of an adjoining county; and
- (c) resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district,

and, where a resolution or by-law is passed under clause *a*, may request the council of the county in which the district is situated to appoint one additional trustee who shall hold office for one year.

(2) The board of a secondary school district in a county, other than a high school district that consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to, ^{Idem}

- (a) county pupils of an adjoining county; and
- (b) resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

(3) The board of a secondary school district in a territorial district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county. ^{Idem}

(4) The board of any high school district may by resolution or by-law declare all or any of its vocational schools open to, ^{Idem}

- (a) county pupils of any county; and
- (b) resident pupils of any secondary school district.

Notice

(5) Where a school is declared open under this section, the board shall notify the clerk of the county concerned or the secretary of the board of the secondary school district concerned, as the case may be.

Revocation
of declara-
tion

(6) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the clerk of the county concerned or to the secretary of the board of the secondary school district concerned, as the case may be, that the school or schools will no longer be open to the county or resident pupils, and upon the giving of such notice such county or resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. R.S.O. 1960, c. 362, s. 65.

Agreements
for education
at outside
schools

66.—(1) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board.

Idem

(2) The council of a municipality in a territorial district which, or part of which, has not been established as or included in a secondary school district may enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. R.S.O. 1960, c. 362, s. 66.

Agreements
re accom-
modation
for Indian
pupils

(3) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition for the maximum number of Indian pupils agreed upon at the gross cost per pupil, calculated in the manner provided in subsection 4 or 5 of section 69, as the case requires, except that,

- (a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and
- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

Idem

(4) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from

the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be calculated as in subsection 3, except that capital expenditures shall not be included as an expenditure under clause *a* of subsection 4 of section 69. 1962-63, c. 130, s. 10.

67.—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9. ^{Admission to grade 9}

(2) An applicant who has not been promoted from grade 8 to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade. ^{Idem}

(3) An applicant for admission to grade 10, 11, 12 or 13 shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission. ^{Admission to grades 10-13}

(4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade. ^{Reduction in grade}

(5) An applicant is entitled to enter an evening course of study in a high school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission does not entitle him to admission to the high school day courses. ^{Admission to evening courses}

(6) A pupil enrolled in a full-time day course of study in a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. R.S.O. 1960, c. 362, s. 67. ^{Idem}

68.—(1) A county pupil has the right to attend any secondary school in the county in respect of which he is a county pupil except a secondary school district that consists of a city or separated town. ^{Right to attend school, county pupils}

(2) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district. R.S.O. 1960, c. 362, s. 68 (1, 2). ^{resident pupils}

(3) Subject to subsections 4, 5 and 6, a county pupil, or a resident pupil of a secondary school district, has the right to attend any secondary school, ^{county and resident pupils}

- (a) that is more accessible to the pupil than any secondary school in his own county or secondary school district, as the case may be;
- (b) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (c) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme if the programme is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (ca) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (cb) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field if the course is not available in the county of which he is a county pupil or in the secondary school district in which he is resident;
- (d) to take a grade 13 subject or subjects not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
- (e) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13, not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling. R.S.O. 1960, c. 362, s. 68 (3); 1962-63, c. 130, s. 11.

(4) Subsection 3 applies to a county pupil only if,

Restrictions

- (a) the school has been declared open to such pupils; and
- (b) in the case of a high or continuation school, the school is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

(5) Subsection 3 applies to a resident pupil of a secondary school district in a county only if,

Idem

- (a) the school has been declared open to such pupils; and
- (b) in the case of a high or continuation school, the school is situated in his own county outside of a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

(6) Subsection 3 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school.

Idem

(7) At its discretion a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school. R.S.O. 1960, c. 362, s. 68 (4-7).

Non-resident pupils

69.—(1) The cost of education of county pupils attending a secondary school that they have a right to attend under section 68 shall be provided and paid to the board of the school by the council of the county to the extent, according to the basis, in the manner and at the times set out in this section.

County pupils, cost of education

(2) The cost of education of such county pupils shall be determined on the basis of the cost for the preceding calendar year and shall be levied, become due and be paid in any year in respect of the cost of the preceding calendar year.

Basis and levy

(3) The amounts payable by the council of the county shall be paid not later than the 1st day of July in the year in which they become due and shall be included in and levied and collected as part of the county rates for that year. R.S.O. 1960, c. 362, s. 69 (1-3).

When payable

(4) The cost of education of such county pupils attending a high or continuation school shall be calculated in the following manner:

Calculation of cost

- (a) First, the total gross current expenditures shall be ascertained for the calendar year for,
 - (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding the cost of transporting resident pupils, fees paid or payable to another board and the cost of operation of evening courses of study,
 - (ii) permanent improvements for the schools, and
 - (iii) payments made or owing on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.
- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,
 - (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study, and
 - (ii) all other sources except taxation and tuition fees.
- (c) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.
- (d) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils.
- (e) Fifth, the perfect aggregate attendance of all county pupils from the county at the schools during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in subsection 1. R.S.O. 1960, c. 362, s. 69 (4); 1960-61, c. 93, s. 6 (1); 1961-62, c. 131, s. 5.

(5) The cost of education of such county pupils attending ^{Idem} a vocational school shall be calculated in the manner provided in subsection 4 except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board.

(6) The cost of education of county pupils to be paid by ^{Levy for county pupils} the council of a county shall be levied as part of the county rates in the following municipalities and in the following manner:

- (a) 50 per cent of such cost by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district; and
- (b) the remaining 50 per cent by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district and in which the county pupils reside or are assessed or their parents or guardians are assessed, in the proportion that the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

(7) Notwithstanding subsection 6, the council of the county ^{Proviso} may, during the first year of the inclusion in a secondary school district of any municipality or part of a municipality that forms part of the county, levy a portion of the cost of education of the county pupils against the whole rateable property in the municipality or part in the same manner as if the municipality or part were not included in a secondary school district.

(8) Notwithstanding subsection 6, the county levy in ^{Proviso} respect of county pupils attending continuation schools shall include a levy upon and against the whole rateable property in a continuation school district against which property no levy is made for maintenance of the continuation schools in the continuation school district. R.S.O. 1960, c. 362, s. 69 (5-8).

(9) The portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed by Canada and the Province shall ^{Cost of schools under federal-provincial agreements}

not be included as an expenditure or as a revenue under clauses *a* and *b* of subsection 4. 1962-63, c. 130, s. 12.

Where no
fees
payable

70.—(1) No fees are payable by or in respect of,

- (a) a county pupil attending a secondary school that he has a right to attend under section 68; or
- (b) a resident pupil of a secondary school district attending a secondary school maintained by the board of the district. R.S.O. 1960, c. 362, s. 70 (1).

Fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 3 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated in accordance with subsection 4 or 5 of section 69, as the case requires, except that,

- (a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and
- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4. 1961-62, c. 131, s. 6.

Idem

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school calculated in accordance with subsection 4 or 5 of section 69, as the case requires.

Idem

(4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates the school may require that such fees as the board may prescribe shall be paid by or on behalf of the pupil, but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 69, as the case requires. R.S.O. 1960, c. 362, s. 70 (3, 4).

Fees
payable
to
treasurer

(5) Fees payable by a secondary school board under this section are payable to the treasurer of the board that operates the school attended by the pupils on an estimated basis at least quarterly during the year in which the pupils in respect of whom fees are payable attend the school, with such adjustment as may be necessary when the actual costs for the year have been finally determined, and the estimate shall be not

less than the rate per pupil, chargeable for a similar period in the preceding year, times 90 per cent of the number of such pupils enrolled at the beginning of the current school term. 1960-61, c. 93, s. 7.

(6) Notwithstanding sections 68 and 69, where a pupil,

Limitation
on right to
attend with-
out payment
of fees

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon payment of such fees as the board that operates the school may prescribe but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 69, as the case requires. R.S.O. 1960, c. 362, s. 70 (6).

71.—(1) A ward of a children's aid society who has completed the elementary school course shall be admitted without the payment of a fee to a secondary school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward.

Admission
of ward of
children's
aid society

(2) Where a child who has completed the elementary school course and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district for the current school year, the board of the district shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 69, as the case requires. ^{Idem}

(3) A child who has completed the elementary school course and whose mother,

Admission
of a child
whose
mother
is the sole
supporter,
etc.

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a secondary school; and

(d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*, ^{R.S.O. 1960, c. 54}

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee. R.S.O. 1960, c. 362, s. 71.

Admission
if county
pupils and
resident
pupils from
other
districts

72.—(1) A county pupil who applies for admission to any secondary school, or a resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district, shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

- (a) in the case of a county pupil, the name of the county in respect of which he is a county pupil;
- (b) in the case of a resident pupil, the name of the secondary school district in respect of which he is a resident pupil;
- (c) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and
- (d) the authority, under this Act, under which the pupil claims to have a right to attend the school.

Notice of
admission

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and if the pupil is admitted the secretary of the board shall forthwith notify the clerk of the county of which the pupil is a county pupil or the secretary of the board of the district of which the pupil is a resident pupil, as the case may be, of the fact of the admission and of the information included in the statement. R.S.O. 1960, c. 362, s. 72.

Disagree-
ments as to
cost of
education
or fees

73.—(1) Where,

- (a) the council of a county and the board of a secondary school district attended by county pupils from the county are unable to agree upon the sum to be paid for the cost of education of such county pupils under section 69;
 - (b) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70;
 - (c) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70;
- or

- (d) a dispute as to whether or not a person is entitled to attend a secondary school as a resident or county pupil cannot be settled between a board and the person or his parent or guardian,

the matter shall be referred to the county judge who shall determine the matter.

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may deem fit. Reference and directions

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the cost of education of the county pupils to be paid by the county, the fees to be paid by the board or the fees to be paid by the municipality, as the case may be. Filing of documents, etc.

(4) The costs of the reference to the judge are in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. R.S.O. 1960, c. 362, s. 73. Costs of reference

74.—(1) The council of any county may raise, in addition to any sum that it is required to raise by this Act, such further sums as it may deem expedient for the maintenance or permanent improvements of the continuation or high schools situated in the county, but any additional sum so raised shall be by a general county levy and, subject to subsection 2, Additional county levies

- (a) if the sum is raised for the continuation schools, shall be apportioned among all the continuation schools in proportion to the liability of the county to each board; and
- (b) if the sum is raised for the high schools, shall be apportioned among all the high schools in proportion to the liability of the county to each board.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation or high schools in the county without making a similar provision for the other continuation or high schools. Grants to particular schools

Local
municipality
grants

(3) The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum that it is required to raise by this Act, may make grants as it may deem expedient for the maintenance or permanent improvements of the secondary school or schools in the district, or any of them. R.S.O. 1960, c. 362, s. 74.

Apportion-
ment of
cost of
education
in united
counties

75. The council of united counties may apportion the amount to be levied for the cost of education of county pupils so that each county is liable only in respect of its own county pupils. R.S.O. 1960, c. 362, s. 75.

Consulta-
tive com-
mittee in
county

76.—(1) The council of a county may establish a consultative committee, which shall consist of the public school inspector or one of them where there are more than one in the county, a person appointed by the Minister, and three other persons appointed by the council.

Functions

(2) The council may submit to the committee and direct it to report upon petitions for the establishment of new secondary school districts or the alteration of the boundaries of existing secondary school districts, and may direct the committee to obtain information and make recommendations regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the county.

Minister
may employ
committee

(3) The Minister may direct the committee to obtain and supply the Department with information upon any question affecting applications for the approval of secondary school districts or of sites or buildings therefor.

Information
to be
supplied to
committee

(4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident, county and other pupils and of all revenues and expenditures together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the county.

(5) The reports and recommendations of the committee ^{Reports, etc., not binding} are not binding upon the Minister, the county council or any of the secondary school boards having jurisdiction in the county. R.S.O. 1960, c. 362, s. 76.

77.—(1) The Minister may establish one or more con- ^{Consulta- tive com- mittee in territorial district} sultative committees for the purpose of investigating the existing facilities for secondary school education in a territorial district or in any part thereof designated by him, and the committee, subject to subsection 2, shall be composed of such persons appointed by the Minister as he deems proper and may include one or more representatives of any department of the public service of Ontario.

(2) The council of any municipality having a population ^{Municipal appoint- ment} of 2,000 or more and situated in the territorial district, or part thereof, for which the committee is established may appoint one member of the committee.

(3) The committee shall obtain information and make ^{Functions} recommendations to the Minister regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the territorial district, or part thereof, for which the committee is established.

(4) All secondary school boards and municipal councils ^{Information to be supplied to committee} having jurisdiction within the territorial district, or part thereof, for which the committee is established shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures with respect to secondary school education, together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the territorial district or part thereof.

(5) The reports and recommendations of the committee ^{Reports, etc., not binding} are not binding upon the Minister or any school board or municipal council having jurisdiction in the territorial district or part thereof.

Travelling
expenses

(6) The travelling expenses of members of the committee appointed by the Minister shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Idem

(7) The travelling expenses of a member of the committee appointed by the council of a municipality shall be paid by the municipality. R.S.O. 1960, c. 362, s. 77.

78. REPEALED: 1961-62, c. 131, s. 7.

Establish-
ment of
scholarships,
etc.

79.—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, bursaries or prizes.

Idem

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may deem expedient and prescribe. R.S.O. 1960, c. 362, s. 79.

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The Separate Schools Act

Revised Statutes of Ontario, 1960

CHAPTER 368

as amended by

1960-61, Chapter 94; 1961-62, Chapter 132,
and 1962-63, Chapter 132

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Separate Schools Act

R.S.O. 1960, CHAPTER 368

as amended by

1960-61, Chapter 94; 1961-62, Chapter 132,
and 1962-63, Chapter 132

PART I

PROTESTANT AND COLOURED SEPARATE SCHOOLS

1. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein or one or more separate schools for Protestants. R.S.O. 1960, c. 368, s. 1.

Conditions
on which
separate
schools
may be
established

Protestants

2. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. R.S.O. 1960, c. 368, s. 2.

Coloured
people

3. In a township the council shall prescribe the location of the school or schools authorized to be established under sections 1 and 2. R.S.O. 1960, c. 368, s. 3.

Location

4. No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the schoolhouse. R.S.O. 1960, c. 368, s. 4.

Who may be
supporter of
school for
coloured
people

5. There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 27. R.S.O. 1960, c. 368, s. 5.

Election of
trustees

6. On the 25th day of December next following the date of the application mentioned in sections 1 and 2, the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. R.S.O. 1960, c. 368, s. 6.

Commence-
ment and
regulations

7. None but coloured people shall vote at the election of trustees of a separate school established for coloured people, and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1960, c. 368, s. 7.

Voters
defined

Union of
wards in
cities and
towns

8. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. R.S.O. 1960, c. 368, s. 8.

Restriction
upon estab-
lishment of
Protestant
school

9. No Protestant separate school shall be established in any school section except when the teacher of the public school in the section is a Roman Catholic. R.S.O. 1960, c. 368, s. 9.

Exemption
from public
school rates

10.—(1) In a city, town, village or township public school section in which a separate school exists, every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of the school, is exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school.

Exemption
conditional

(2) Such exemption does not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1960, c. 368, s. 10.

Not to
share

11. Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1960, c. 368, s. 11.

Share of
legislative
grant

12. Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1960, c. 368, s. 12.

Half-yearly
return to
inspector

13.—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of the separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period.

Inspector
to report
to clerk

(2) The inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

(3) Except for a rate for building schoolhouses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate and the board of trustees shall not include in their school rolls any person whose name appears upon the last-mentioned return. Exemption of supporters of separate schools from rates

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of the roll so far as it relates to their school section. R.S.O. 1960, c. 368, s. 13. Use of assessor's roll by board

14. Sections 28 to 46 apply to the trustees and teachers of the separate schools. R.S.O. 1960, c. 368, s. 14. Application of ss. 28 to 46

15. The trustees of a separate school are a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of.....in the Township (City, Town or Village, *as the case may be*) of", and have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 59. R.S.O. 1960, c. 368, s. 15. Corporate name and powers

PART II

ROMAN CATHOLIC SEPARATE SCHOOLS

ESTABLISHMENT

16. This Part applies to separate schools for Roman Catholics now or hereafter established. R.S.O. 1960, c. 368, s. 16. Application of Part

17. In this Part,

- (a) "combined separate school zone" means a union of two or more separate school zones;
- (aa) "Department" means the Department of Education;
- (b) "Minister" means the Minister of Education;
- (ba) "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately assessed; R.S.O. 1960, c. 23
- (c) "regulations" means the regulations made under *The Department of Education Act*; R.S.O. 1960, c. 94

Interpretation

- (d) "rural school" means a separate school for Roman Catholics in a township or in territory without municipal organization;
- (da) "rural separate school zone" means a separate school zone established under section 18 in a rural school section or under section 21 in territory without municipal organization;
- (e) "secretary" or "treasurer" includes a secretary-treasurer;
- (f) "separate school" means a separate school for Roman Catholics;
- (fa) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;
- (g) "urban school" means a separate school for Roman Catholics in a city, town or village;
- (h) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality. R.S.O. 1960, c. 368, s. 17; 1962-63, c. 132, s. 1.

Meeting to
establish a
separate
school

18. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1960, c. 368, s. 18.

Election of
trustees

19.—(1) A majority of the persons present, being householders or freeholders, and Roman Catholics, may at the meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1960, c. 368, s. 19.

In urban
municipali-
ties in
wards

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 36, the trustees shall be elected by general vote. 1961-62, c. 132, s. 1.

Notice of
meeting;
and to
whom given

20.—(1) Notice in writing that the meeting has been held, and of the election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the notice so endorsed and duly certified by him to the trustee, who shall forthwith transmit the copy and a copy of the minutes of the meeting and of the notice calling it to the Department.

(3) From and after the delivery of the notice to such officer the trustees therein named are a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, as the case may be) of....." and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number, in the Township of"

(4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated. R.S.O. 1960, c. 368, s. 20.

21.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected have all the powers of public school boards in unorganized townships, and are in all other respects subject to the provisions of this Act. R.S.O. 1960, c. 368, s. 21 (1).

(2) The trustees are a body corporate under the name of,

(a) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. of the Township of in the Territorial District of....."
(inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the inspector that will be used until a school section is formed that includes the separate school within its boundaries);

(b) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of in the Territorial District of....."
(inserting a name selected by the inspector and the name of the territorial district). R.S.O. 1960, c. 368, s. 21 (2); 1960-61, c. 94, s. 1 (1).

Legislative
grants

(3) On receipt of notice by the Department signed by the trustees so elected that a school has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant Governor in Council.

Appoint-
ment of
collector

(4) The board may appoint a fit and proper person, who may be one of the trustees, to collect rates the imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to the collector at the rate of not less than 5 and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

Powers and
duties of
collectors

(5) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township. R.S.O. 1960, c. 368, s. 21 (3-5).

Return of
arrears of
taxes in
unorganized
territory

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payment of
arrears
thereafter

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid
to sheriff

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

Sale of
lands for
arrears

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate

became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. 1960-61, c. 94, s. 1 (2).

21a. Sections 57 and 58 of *The Public Schools Act* apply *mutatis mutandis* with respect to separate schools in territory without municipal organization. 1961-62, c. 132, s. 2.

Courts of revision, assessment, appeals, etc.
R.S.O. 1960, c. 330

21b.—(1) A Roman Catholic who is a householder or freeholder and of the full age of twenty-one years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

Right to vote re establishment of separate school

- (a) in the case of a township, he resides in the school section in which the separate school is being established; or
- (b) in the case of an urban municipality, he resides in the municipality; or
- (c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or
- (d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 21.

(2) The persons who are entitled to vote under clause *d* of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 21. 1962-63, c. 132, s. 2.

Persons qualified to call meeting under s. 21

22.—(1) In this section,

Determination of gross and net cost

- (a) “gross cost per pupil per day” shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;
- (b) “net cost per pupil per day” shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board

and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purpose of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid. R.S.O. 1960, c. 368, s. 22 (1); 1960-61, c. 94, s. 2.

Right of person to attend separate school

(2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years. 1962-63, c. 132, s. 3 (1).

Determination as to whether or not person can profit by instruction

(3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence as to right to attend

(4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

Kindergarten

(5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 2.

Junior kindergarten

(6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 2.

Kindergarten fees

(7) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2.

Admission of ward of children's aid society

(8) A child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board.

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

(10) Subject to subsection 2, a child whose mother,

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a public or separate school in any school section; and

(d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act*,

Admission
of child
whose
mother
is sole
supporter,
etc.

R.S.O. 1960,
c. 54

shall be admitted to the separate school without the payment of a fee. R.S.O. 1960, c. 368, s. 22 (3-10).

(11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee. R.S.O. 1960, c. 368, s. 22 (11); 1962-63, c. 132, s. 3 (2).

Admission
where
separate
school
supporter
moves into
residence
assessed
to public
school
support

(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year. R.S.O. 1960, c. 368, s. 22 (12).

Agreement
between
boards

(13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides

Where
separate
school
supporter
resides in
one zone
but is
closer by
road to a
separate
school in
another
zone

furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year.

Where a separate school supporter resides in one zone but owns land in another zone

(14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone,

- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,

for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a separate school by the board of that zone without the payment of a fee.

Residents of non-assessable property

(15) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. 1962-63, c. 132, s. 3 (3).

RURAL SEPARATE SCHOOLS

Trustees' term of office

23. For every rural school there shall be three trustees, each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1960, c. 368, s. 23.

Retirement by rotation

24.—(1) The trustees elected at the first meeting shall hold office,

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
- (b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;
- (c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

(3) A trustee may resign with the consent in writing of the other trustees. ^{Resignation}

(4) A retiring trustee may be re-elected with his own consent, otherwise he is exempt from serving for four years next after leaving office. R.S.O. 1960, c. 368, s. 24. ^{Re-election}

25. Any person being a Canadian citizen not less than twenty-one years of age may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1960, c. 368, s. 25; 1961-62, c. 132, s. 3. ^{Trustees' qualification}

26.—(1) Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1960, c. 368, s. 26. ^{Electors, qualification}

(2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. 1962-63, c. 132, s. 4. ^{Idem}

27.—(1) A meeting of the supporters of a rural school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school. ^{Annual meeting}

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. ^{Idem}

(3) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings. ^{Organization of meeting}

and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

Order of
business

(4) The business of the meeting may be conducted in the following order:

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

Chairman,
duties

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is not entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting.

Granting
poll and
proceed-
ings in case
of a poll

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the poll.

Entries in
poll book

(7) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Form of
ballot paper

(8) Ballot papers shall be pieces of plain white paper of uniform size.

Marking of
ballot paper

- (9) A voter shall mark his ballot,
- (a) in the election of a trustee, by marking the name of the trustee thereon; and
 - (b) on a question, by marking the word "for" or "against" thereon.

Manner of
voting

(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full

view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

(11) Every candidate may appoint a person to act as his scrutineer during the election. Appointment of scrutineer

(12) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration whereupon the person making the declaration is entitled to vote: When voter is objected to

I,.....declare,

- (a) That I am an assessed householder or freeholder in School Section No.....;
- (b) That I am of the full age of twenty-one years;
- (c) That I am a supporter of the Roman Catholic Separate School in School Section No.....;
- (d) That as such supporter I have the right to vote at this meeting.

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon. When poll shall close

(14) When the meeting is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. Polling at afternoon meetings

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote. Counting votes, casting vote

(16) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same. Declaration of result

(17) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate. Statement of result of poll

Secretary
to transmit
minutes to
inspector

(18) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the inspector of the separate school.

Meetings
be called in
default of
first or
annual
meetings

(19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called has all the powers and shall perform all the duties of the meeting in the place of which it is called. R.S.O. 1960, c. 368, s. 27.

Organiza-
tion and
quorum

28. A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1960, c. 368, s. 28.

Regularity

29. No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1960, c. 368, s. 29.

Duties of
secretary

30. It is the duty of the secretary,

- (a) to call, at the request in writing of two trustees, a special meeting of the board; and
- (b) to give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1960, c. 368, s. 30.

Appoint-
ment of
auditor by
Minister

31. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1960, c. 368, s. 31.

Formation
of combined
separate
school

32.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the

separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school. 1961-62, c. 132, s. 4 (1) *part*; 1962-63, c. 132, s. 5 (1).

(1a) Where a combined separate school is formed or where ^{Trustees} another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the day of nomination for trustees of the combined separate school, and, subject to subsection 6, five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27. 1961-62, c. 132, s. 4 (1), *part*; 1962-63, c. 132, s. 5 (2).

(2) The trustees of a combined separate school are a corpo- ^{Corporate} ^{name} ration by the name of "The Board of the Combined Roman Catholic Separate Schools of....."
(*inserting alphabetically the names of the municipalities in which the separate schools of the board are situated and, where there are two or more combined separate schools in the same municipality, adding a number assigned by the inspector*).

(2a) For the purpose of electing the first trustees for a ^{First} ^{election of} ^{trustees} combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time and place as the committee may determine. 1961-62, c. 132, s. 4 (1), *part*.

(3) Of the five trustees elected at the first election, the ^{Term of} ^{office} three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. R.S.O. 1960, c. 368, s. 32 (3); 1961-62, c. 132, s. 4 (2). ^{R.S.O. 1960, c. 361}

(4) In case, at the first election of trustees, two or more ^{Equality} ^{of votes} ^{at first} ^{election} trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 3 of section 27 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting. R.S.O. 1960, c. 368, s. 32 (4).

Subsequent
elections

(5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. R.S.O. 1960, c. 368, s. 32 (5); 1961-62, c. 132, s. 4 (3).

Trustees in
combined
separate
school
including
urban zone

(6) Where a combined separate school zone includes a former urban separate school zone, the board shall be composed of the same number of trustees as the urban separate school board would have had under section 35, and sections 35 and 36*b* apply *mutatis mutandis* to the trustees who shall be elected by general vote under section 27.

School sites
for a
combined
board

(7) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site in any school section in which a separate school was formed and which became part of the combined separate school zone. 1962-63, c. 132, s. 5 (3).

Detaching
school from
combined
school

32*a*.—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. 1961-62, c. 132, s. 5, *part*.

Qualified
voters for
detaching a
separate
school from
a combined
separate
school

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre in the portion of the combined separate school zone that it is proposed to detach than to any other centre. 1962-63, c. 132, s. 6.

When school
detached

(3) If a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27.

Adjustment
of assets,
etc.

(4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 34 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator. 1961-62, c. 132, s. 5, *part*.

33.—(1) The board has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Selection
and change
of school
site

(2) If a majority of the supporters present at the special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator, and the three arbitrators, or a majority of them present at any lawful meeting, have authority to make and publish an award upon the matter submitted to them.

Arbitration
when
trustees and
ratepayers
differ as to
site

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, is binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1960, c. 368, s. 33.

Recon-
sideration
of award

34.—(1) Where a separate school has been established in a public school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the inspector of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided by this Part.

Establish-
ment of
separate
school in a
portion of
rural
section

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of the urban municipality and the other by the board of the separate school so established in the township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to

Arbitra-
tion

or be borne by the separate school board of the urban municipality and the board of the rural separate school respectively, and shall adjust all matters consequent upon the separation, and the award of the arbitrators is final and binding.

Property
liable for
debentures

(3) Nothing in this section relieves any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of the township separate school. R.S.O. 1960, c. 368, s. 34.

URBAN BOARDS

Election of
trustees
in urban
municipalities
by
general vote

35.—(1) Except as provided in section 36, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year.

Number of
trustees

(2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held, as follows, where the population was,

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees.

Change in
number of
trustees

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected. 1960-61, c. 94, s. 4, *part*.

Urban
municipality
divided
into wards

36.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five
or more
wards

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

Change from
election by
wards to
general vote

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 35. 1961-62, c. 132, s. 6.

36a.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 36 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution. 1961-62, c. 132, s. 7.

Method of
changing
composition
and election
of board

(2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Election
of new
board after
change

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years. 1960-61, c. 94, s. 4, *part*.

Limitation
on changing
method of
election

36b. At the first election of the trustees of an urban separate school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

Determina-
tion of
retirement
of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting. 1960-61, c. 94, s. 4, *part*.

36c. A trustee of an urban separate school board may resign by giving written notice of his resignation to the secretary. 1960-61, c. 94, s. 4, *part*.

Resignation
of trustees

37. A trustee shall continue in office until his successor has been elected. R.S.O. 1960, c. 368, s. 37.

Term of
office

Nomina-
tions

38.—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon, or if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting.

Returning
officer

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer, a chairman chosen by the meeting shall preside.

Proceed-
ings at
nomina-
tions

(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of the office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as is determined by resolution of the board.

Hours of
polling

(4) The polls shall be opened at 10 o'clock in the forenoon and shall continue open until 5 o'clock in the afternoon and no longer, and a poll may close at any time after 11 o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for
nomination
and elec-
tion

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of
returning
officer after
close of
election

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of
secretary

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes.

(8) If two or more candidates have an equal number of votes, at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election.

Casting
vote

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 39.

Voting to
be open

(10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics.

Furnishing
voters' list
in cities and
towns
divided into
wards

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village as provided by subsection 10.

Furnishing
voters' list
in towns not
divided into
wards, and
in villages

(12) The board shall provide every polling place with such lists and with a poll book.

For each
polling
place

(13) At every election at which a poll is demanded, the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against".

Entries in
poll book

(14) If an objection is taken to the right of any person to vote, the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 12 of section 27.

Declaration
by voters

(15) Where a school supporter resides without the municipality in which the school is situate, he is entitled to vote in that ward or division of the municipality in which the school-house is situate that is nearest to his place of residence.

Where non-
resident is
to vote

(16) In cities and towns, the clerk of the municipality, instead of furnishing to the board the lists as provided in subsection 10 or 11 shall, within three days after request in writing, furnish to the board the voters' list for each ward or polling subdivision, as the case may be, with the letter "S"

Furnishing
voters' list
of separate
school
supporters
to board

marked or written therein opposite the name of every supporter of separate schools for Roman Catholics and after the name of every Roman Catholic wife or husband of such supporter. R.S.O. 1960, c. 368, s. 38.

Adoption of
ballot and
manner of
voting

39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year,

- (a) provide for the election of trustees to be by ballot; and
- (b) require the vote to be conducted in the same manner as municipal elections in the municipality in which the separate school is situated.

Discon-
tinuance

(2) The board may in like manner discontinue the use of the ballot or the voting conducted in the manner of the municipal elections.

Mode of
voting not
to be
discontinued
for three-
year period

(3) Where the board requires the voting to be by ballot or the vote to be conducted in the same manner as the municipal elections and elections are so held, no change shall be made in the mode of voting for a period of three years.

Time and
place, etc.,
of election

(4) Where a resolution is passed under subsection 1 requiring the vote to be conducted in the same manner as municipal elections,

- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as the municipal elections in the municipality in which the separate school is situated;
- (b) the meeting of the supporters of the urban separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;
- (c) the board shall advertise in each of its schools the place and time of the nomination meeting and the secretary of the board shall report the names of the nominees to the clerk of the municipality; and

R.S.O. 1960,
c. 249

- (d) the provisions of *The Municipal Act* with respect to elections except those with respect to the nomination of candidates apply *mutatis mutandis* except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 40. R.S.O. 1960, c. 368, s. 39.

40. Where the voting is to be by ballot, the provisions of *Municipal The Municipal Act* for and relating to holding the municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, apply *mutatis mutandis*, except that,

- (a) the oath to be taken by a voter shall be: Form of oath

You swear that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to the voter*);

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

- (b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment toll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election; Casting vote

- (c) the duties to be performed by the clerk shall be performed by the secretary; and Duties of secretary

- (d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1960, c. 368, s. 40. Substituted term

41. In cities and towns every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools. R.S.O. 1960, c. 368, s. 41. Election of trustees, who may vote

ELECTION IRREGULARITIES

No election
to be invalid
for want of
compliance
with Act
where
result not
affected

42. No election is invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1960, c. 368, s. 42.

CONTROVERTED ELECTIONS

Investiga-
tion of com-
plaints by
judge

43.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after the election, shall receive and investigate the complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

Powers of
judge

(2) The judge may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

Order of
judge

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report his decision to the secretary of the board.

Bribery and
undue
influence
R.S.O. 1960,
c. 249

(4) The provisions of *The Municipal Act* as to bribery and undue influence apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1960, c. 368, s. 43.

BOARD MEETINGS

Special
meetings

44.—(1) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting.

(2) For the purposes of subsection 8 of section 38, a ^{Quorum} majority of the trustees remaining in office constitutes a quorum. R.S.O. 1960, c. 368, s. 44.

DUTIES AND POWERS OF TRUSTEES

45.—(1) It is the duty of every board and it has power, ^{Duties of board:}

- (a) to appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of ^{appoint-ment of officers} the school fees or rate-bills, and the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, are subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;
- (b) to appoint annually on or before the 1st day of ^{appoint-ment of} December an auditor or auditors;
- (c) to lay all the accounts of the board before the audi- ^{accounts} tors, together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money;
- (d) to provide adequate accommodation and legally ^{to provide accommodation and} qualified teachers for all children who have the right to attend a school operated by the board;
- (e) to acquire or rent school sites and premises and build ^{to acquire school sites} school buildings.
- (f) where the board does not appoint a collector, to ^{collection of rates} apply to the municipal council, on or before the 1st day of February in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums, and such moneys shall be paid to the board on the warrant of the proper inspector;
- (g) to give notice in writing to the Department, before ^{notice of names and} the 15th day of January in each year, of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein;

exemptions
and notice
thereof

- (h) to exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and to give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February;

possession
and custody
of property

- (i) to take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and to dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and to convey the same and apply the proceeds thereof to school purposes or as provided by this Act;

other
powers and
duties

- (j) to exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act;

Appointment
of committees
by urban
boards

(2) It is the duty of every urban board and it has power to appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under its charge are conducted according to the regulations.

Duties of
rural
boards:

(3) It is the duty of every rural board and it has power,

time and
place of
meetings

- (a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,
- (i) filling any vacancy in the board,
 - (ii) the selection of a new school site,
 - (iii) the appointment of a school auditor, or
 - (iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

- (b) to arrange for the payment of teachers' salaries^{payment of salaries} monthly and, if necessary, to borrow on its promissory note, under the seal of the corporation, at interest not exceeding 8 per cent per annum, the money required for that purpose until the taxes are collected;
- (c) to cause to be prepared and read at the annual school^{annual report} meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;
- (d) to ascertain and report to the Minister, at least once^{report on deaf, dumb or blind} in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind;
- (e) if deemed expedient, to provide for surgical treat-^{providing attendance for minor surgical operations}ment of children attending the school suffering from minor physical defects where, in the opinion of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1960, c. 368, s. 45.

VACANCY IN OFFICE OF TRUSTEE

46.—(1) If a vacancy in the office of trustee for a rural^{Vacancy in office of trustee} school occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

(2) The new election shall be conducted in the same manner^{Proceedings at new election} and is subject to the same provisions as an annual election. R.S.O. 1960, c. 368, s. 46.

(3) Subject to subsection 5, where a vacancy occurs from^{Vacancies in urban boards and union boards} any cause in an urban separate school board or a union separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Idem

(4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot.

Idem

(5) In the case of an urban separate school board or a union separate school board,

- (a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot. 1960-61, c. 94, s. 5.

ASSESSMENTS, BORROWING POWERS AND GRANTS

Exemption
of
supporters
from public
school rates

47.—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on

such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property. 1962-63, c. 132, s. 7, *part*.

(2) The notice is not required to be renewed annually. No renewal required
R.S.O. 1960, c. 368, s. 47 (2).

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone. Who may be supporters of separate school

(3a) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school. 1962-63, c. 132, s. 7, *part*. Rights of non-residents to be assessed for separate school R.S.O. 1960, c. 23

(4) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof. Certificate of notice

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of \$40. Penalty for wilful false statements in notice

(6) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the separate school. R.S.O. 1960, c. 368, s. 47 (4-6). As to rates imposed before separate school established

48.—(1) The boundaries of separate school zones shall be determined in relation to their centres. Boundaries of zones

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre. Centre of zones

(3) Where a board operates two or more separate schools, there shall be a centre for each school. Centres where two or more schools

(4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land. Centre where board owns land but does not operate school

Centre where board does not operate school or own site

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned before the 30th day of September of the year in which the parcel was so approved.

Centres of combined zone

(6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated.

Rural and combined separate school zones

(7) Subject to section 49, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone.

Urban separate school zone

(8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is outside the boundary of the urban municipality but within a radius of three miles from a centre in the urban municipality.

In wards

(9) Where a separate school board has heretofore been established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward.

Zones not to include organized and unorganized territory

(10) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization.

Separate school inspector to prepare maps and descriptions of zones

(11) For each separate school zone that includes part or all of a township or territory without municipal organization, the separate school inspector designated by the Minister shall,

- (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
- (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;
- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,

- (i) to each separate school board, a map or description of its zone,
- (ii) to the township clerk, a map showing the zone boundaries within the township and a description of each zone, and
- (iii) to each public school inspector, a description of each separate school zone within his inspectorate.

(12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the boards concerned shall, in the manner provided in section 34, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding. Arbitrate assets and liabilities

(13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the assessing of property and levying and collecting rates for separate schools in the territory without municipal organization. 1962-63, c. 132, s. 8, *part*. Rates in unorganized territory in combined zone

49.—(1) Where a rural separate school zone would otherwise overlap an urban municipality in which a separate school has been established, the boundary of the urban municipality is the boundary between the zones. Boundaries where urban municipality and rural zone overlap

(2) Where two or more rural separate school zones would otherwise overlap, the boundaries of the zones shall be determined by a separate school inspector designated by the Minister. Boundaries where rural zones overlap

(3) Subject to subsection 1, the boundary between two or more separate school zones that would otherwise overlap shall follow a continuous line so that each parcel of land shall be part of the zone of which the centre is nearer to the parcel than any other centre. Boundaries to be continuous

(4) A separate school board or a separate school supporter affected by the determination of the inspector under subsection 2 may appeal the determination to the county judge before the 1st day of July following the determination. Appeal

(5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the inspector or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. 1962-63, c. 132, s. 8, *part*. Effect of change in boundaries

Discontinuing board by a vote of the supporters

49a.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the separate school inspector, the clerk of each municipality concerned and the public school inspector, for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting.

Other conditions under which a separate school board is discontinued

(2) A separate school board is discontinued on the 31st day of December in any year,

- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or
- (b) if, for any school term after the year in which the board was established, the board,
 - (i) fails to operate a school, or
 - (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause *e* of subsection 2 of section 6 of *The Schools Administration Act*; or
- (c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or
- (d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

R.S.O. 1960, c. 361

Inspector to notify Minister, etc.

(3) When a board is discontinued under subsection 2, the separate school inspector shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the public school inspectors of the school boards affected thereby.

Settling accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts

of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

(5) The records of a board that has been discontinued under this section shall be filed in the office of the separate school inspector. Records

(6) The separate school inspector shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board. Revision of boundaries

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the separate school inspector is notified that an offer to purchase the real property has been made, the inspector shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property. Sale of real property

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. Deposit of funds from sale

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 20 or section 21, and the funds that were deposited by the board that was discontinued shall be returned to the board. 1962-63, c. 132, s. 8, *part*. Re-establishing a board

50. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. 1962-63, c. 132, s. 9. Where person residing out of urban municipality to vote

51.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he is exempt from the payment of separate school taxes or rates in the municipality in which he resides, but is liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides. Liability of non-resident supporter

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that How enforceable

he is a supporter of such school, and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1960, c. 368, s. 51.

52. REPEALED: 1962-63, c. 132, s. 10.

Notice of
withdrawal
of support

53.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing, on or before the 30th day of September,

- (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
- (b) where the separate school is situated in territory without municipal organization,
 - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
 - (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school. 1961-62, c. 132, s. 8.

Exception

(2) A person who has withdrawn his support from a Roman Catholic separate school is not exempt from apying rates for the support of separate schools or separate school libraries, or for the erection of a separate schoolhouse, imposed before the time of his withdrawing such support. R.S.O. 1960, c. 368, s. 53 (2).

Clerk to
keep index
book

54.—(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 47, 52, 57 and 58, or by former Acts respecting separate schools.

Entries

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 53, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.

(3) The index book shall be open to inspection by any ^{Inspection} ratepayer.

(4) The clerk shall file and carefully preserve all such ^{Filings} notices heretofore or hereafter received.

(5) The assessor shall be guided by the entries in the index ^{Assessor to be guided by index book} book in ascertaining who have given the prescribed notices. R.S.O. 1960, c. 368, s. 54.

55.—(1) If it appears to the council of any municipality ^{Correction of mistakes in assessing} after the final revision of the assessment roll that through mistake or inadvertance a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

(2) In case of such action by a council the ratepayer is ^{Liability} liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1960, c. 368, s. 55.

56.—(1) The clerk of every municipality, in making out ^{Distinguishing the school rates} the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

(2) The proceeds of any such rate shall be kept distinguished ^{Idem} by the collector and accounted for accordingly. R.S.O. 1960, c. 368, s. 56.

57.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision.

(2) Where, as between the owner and tenant or occupant, ^{When owner may exercise option} the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate

and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1960, c. 368, s. 57.

Right of
corporation
to support
separate
schools

58.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of the separate school.

R.S.O. 1960,
c. 23

Duty of
assessor

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

How pro-
portions
settled

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares. R.S.O. 1960, c. 368, s. 58 (1-3).

Effect of
notice

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. R.S.O. 1960, c. 368, s. 58 (4); 1962-63, c. 132, s. 11.

Filing
notice

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for
notices

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1960, c. 368, s. 58 (5-6).

59.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities. Powers of trustees

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon. Land on which there are rates uncollected

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon. Return

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes. Collection of rates

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1960, c. 368, s. 59. Deficiency

59a. Where some of the supporters of a separate school reside in a municipality and in a high school district and other supporters of the separate school reside in another municipality and not in a high school district, and the high school board or board of education is furnishing transportation for its resident secondary school pupils, the separate school board may furnish transportation for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district and may levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the supporters who do not reside in the high school district. 1960-61, c. 94, s. 6. Levy for transportation costs of high school pupils not resident in high school district

59b.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside. Determining school rates by equalizing factor

Adoption of
rate

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators,
appoint-
ment

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

(4) The secretary of the board shall call the meeting of the arbitrators.

Determina-
tion of
factors

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When
factors
to be
determined

- (6) The factors shall be determined,
- (a) in the year in which the separate school is formed;
 - (b) in any year that is divisible evenly by 5;
 - (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and
 - (d) in any year if the board so directs.

Appeal to
board

(7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

Use of
factors

(8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors.

Cost of
arbitration

(9) The cost of the arbitration shall be paid by the separate school board.

Apportion-
ments made
in 1962 and
determina-
tion of
factors
in 1963

(10) Where an apportionment of the annual sum to be raised for the purposes of a separate school was made under the predecessor of this section, the apportionment shall continue in force and effect until the year next following the year

in which it is necessary under this section to determine the factors for the purpose of rates to be levied for the separate school, and, in other cases, the factors shall be determined in the year 1963 for the purposes of taxation in the year 1964. 1962-63, c. 132, s. 12.

60. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1960, c. 368, s. 60.

Trustees may copy assessment roll of municipality

61. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 47, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1960, c. 368, s. 61.

Clerk to give trustees annual statement of supporters of separate schools

62.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of February in any year or prior thereto if required by the council, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Collection of separate school rates by the municipality

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter, and not later than the 14th day of December in each year, be paid over to the board without any deduction whatever. R.S.O. 1960, c. 368, s. 62.

Expenses of collection

63. REPEALED: 1962-63, c. 132, s. 13.

64. The separate school board of a municipality or in a school section or union school section has and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and is subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1960, c. 368, s. 64.

Right to establish and maintain continuation schools

Sinking
funds for
separate
school
debentures

65. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,

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c. 249

- (a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 315 of *The Municipal Act*; or
- (b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys have heretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1960, c. 368, s. 65.

Borrowing
powers of
separate
school
trustees

66.—(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured. 1962-63, c. 132, s. 14.

Terms of
payment

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Debentures

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

(4) The debt to be so incurred and the debentures to be ^{Maturity} issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act.

(5) Where the debt is not payable by instalments the board ^{Sinking fund} shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking ^{R.S.O. 1960, c. 249} funds.

(6) Before any such by-law is acted upon, notice of the ^{Publication of notice of by-law} passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation in the area within three miles of the separate school stating,

- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;
- (c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

(7) The debentures issued under the by-law may be for such ^{Amounts} amounts as the board may deem expedient. R.S.O. 1960, c. 368, s. 66 (2-7).

67.—(1) Every separate school is entitled to share in all ^{Right of separate schools to a share of municipal grant} grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

(2) Where the grant is made by a county council it shall be ^{Apportionment} apportioned in like manner as the legislative grant.

No share
of local
assessment
for public
schools

(3) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1960, c. 368, s. 67.

MISCELLANEOUS

Visitors of
separate
schools

68. The Minister, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church are visitors of separate schools. R.S.O. 1960, c. 368, s. 68.

Inspection
of schools

69. The schools with their registers are subject to such inspection as may be directed by the Minister and are subject also to the regulations. R.S.O. 1960, c. 368, s. 69.

Model
schools

70. The Minister may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1960, c. 368, s. 70.

Disagree-
ment
between
trustees,
inspectors,
etc.

71. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister, subject to an appeal to the Lieutenant Governor in Council, whose decision is final. R.S.O. 1960, c. 368, s. 71.

Personal
responsi-
bility for
money lost

72.—(1) The trustees of every separate school are personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection
and
application

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1960, c. 368, s. 72.

Recovery
and applica-
tion of
fines
R.S.O. 1960,
c. 387

73. Except as otherwise provided, the fines imposed by or under the authority of this Act are recoverable under *The Summary Convictions Act* and shall be applied to such separate school purposes as the Minister may direct. R.S.O. 1960, c. 368, s. 73.

FORM 1

FORM OF INDEX BOOK

(Section 54 (1))

Names	Notices claiming exemption, when received	Remarks
Allen, John.....	3rd February, 19....	Notice of withdrawal received 1st January, 19....
Ardagh, Joseph.....	3rd February, 19....	Disallowed by Court of Revision, 1st June, 19....
Ashbridge, Robert.....	3rd February, 19....	

R.S.O. 1960, c. 368, Form 1.

FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

(Section 58 (1))

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the company this (*here insert date*).

R.S., Secretary of the Company.

R.S.O. 1960, c. 368, Form 2.

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